

REVISED
ZONING ORDINANCE

No. 5285

ADOPTED DECEMBER 5, 1968

AS AMENDED
RE-ADOPTED OCTOBER 4, 1988
BY ORDINANCE NO. 8730

**INCLUDES ALL AMENDMENTS
UP TO ORDINANCE NO. 15250
ADOPTED 08/16/05**

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AN ORDINANCE TO REPEAL ORDINANCE NO. 4630, BEING THE REVISED ZONING ORDINANCE OF THE CITY OF JOLIET, PASSED JULY 17, 1962, AND THE FOLLOWING ORDINANCES WHICH HAVE AMENDED ORDINANCE NO. 4630: ORDINANCE NOS. 4660, 4663, 4713, 4714, 4715, 4716, 4717, 4729, 4735, 4770, 4930, 5118, AND 5126.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JOLIET, ILLINOIS:

ARTICLE I

There is hereby adopted an ordinance to provide for the establishment in the City of Joliet of zoning districts within which the use of land, and/or structures for residence, trade, or industry, the density of population, the height, the number of stories, the area, the size and location of buildings, yards, courts, and open spaces, the light and ventilation of buildings, and development within floodways may be regulated; providing for the discontinuance of non-conforming uses and structures; providing definitions for certain terms; providing for amendments, supplements or changes hereto; establishing a Board of Appeals, providing for conflicts with other ordinances, and providing penalties for violation of this Ordinance, in accordance with the provisions of Chapter 24, Sections 11-12-1 ff, 11-13-1 ff, 11-14-1 ff, 11-15-1 ff and 11-15.1-1 ff, Illinois Revised Statutes, 1967, as amended by the 1968 Session of the 75th General Assembly, which recessed on July 25, 1968.

SECTION 47-1 SHORT TITLE:

This Ordinance shall be known and cited as the “Zoning Ordinance of the City of Joliet” and will be referred to herein as “this Ordinance.”

SECTION 47-1.1 REPEAL:

Ordinance Nos. 4630, 4660, 4663, 4713, 4714, 4715, 4716, 4717, 4729, 4735, 4770, 4930, 5118, and 5126 are hereby expressly repealed.

ARTICLE II

SECTION 47-2 INTENT AND PURPOSE:

This Ordinance is based on a plan; the purpose of which is to lessen the congestion of the public streets, to reduce undue hazards due to flooding, and to promote the public health, safety and general welfare. This above mentioned plan has been formulated with due consideration, among other things, to the character of each district of the City and its peculiar suitability for particular uses, to the conservation of property values, to the general trend and character of building and population development, to the prevention of undue concentration of population, to the advancement of social and economic stability, to the facilitation of adequate provision of public transportation, streets, highways, sewers, water mains, schools, recreation areas, and other public facilities. It is the further purpose of this Ordinance to safeguard the public health, safety and general welfare.

ARTICLE III

SECTION 47-3 DEFINITIONS:

For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows: The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied," the word "building" includes the word "structure," and the word "dwelling" includes the word "residence," the word "lot" includes the words "plot" or "parcel."

Terms not herein defined shall have the meaning customarily assigned to them.

47-3.1 GENERAL ZONING TERMS:

(A) District: Is a portion of the incorporated area of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

(B) Family: Is one or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance.

(C) Non-conforming Buildings: Is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of the Ordinance in the district in which it is located.

(D) Non-conforming Use: Is a use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

(E) Use: Is the purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

(F) Block: Is the property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating), or between the nearest such street and railroad right-of-way, un-subdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

(G) Special Uses: Uses which will be permitted in specified zoning districts only after a public hearing before the Plan Commission and the approval of the City Council in accordance with the provisions of the Illinois Revised Statutes, 1971, Chapter 11, Article 13-1.1.

47-3.2 BASIC TYPES OF BUILDINGS AND USES:

(A) Accessory Use or Building: Is a use or building on the same lot with, and of a nature customarily incident and subordinate, to those of the main use or building.

(B) Main Building: A building in which is conducted the principal use of the lot upon which it is situated. Unless otherwise provided in this Ordinance, there shall be no more than one main building on a lot.

(C) Main Use: Is the principal use to which the premises are devoted and the principal purpose for which the premises exist.

(D) Temporary Use or Building: Is a use or building permitted by the Board of Appeals to exist during periods of construction of the main building for use, or for special events.

47-3.3 BASIC STRUCTURAL TERMS:

(A) Alterations: Is any change, addition, or modification in construction or type of occupancy, and change in the structural members of a building, such as walls or partitions, columns, beams, or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

(B) Basement: That portion of a building between floor and ceiling, which is partly below and partly above ground level, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

(C) Building: Is any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

(D) Building Heights: Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

(E) Building Line: Is a line formed by the face of the building, and for the purposes of this Ordinance, a building line is the same as a front setback line.

(F) Cellar: That portion of a building between floor and ceiling which is wholly or partly below ground level and so located that the vertical distance from grade to the floor below is equal to, or greater than, the vertical distance from grade to ceiling.

(G) Erected: Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill, drainage, and the like shall be considered a part of section.

(H) Floor Area: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the interior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and un-enclosed porches, except basement areas designated and used for dwelling or business purposes.

(I) Floor Area, Gross: The sum of the gross horizontal areas of all the several floors of a building including interior balconies and mezzanines. All horizontal measurements are to be made between the exterior faces of walls, including the walls of roofed porches having more than one wall. The gross floor area of a building shall include the floor area of accessory buildings on the same lot; measured the same way.

(J) Floor Area Ratio: The gross floor area of the building or buildings on a lot divided by the area of the lot.

(K) Grade: The reference level for any building within ten (10) feet of the front lot line is the official established sidewalk grade opposite the center of the front of such buildings. For any building more than ten (10) feet from the front lot line, or where no sidewalk grade is established, the reference level is the mean level of the finished grade of the ground across the front of such building. When the mean finished grade about any portion of a building varies five feet or more from that at the front, such mean may be taken as the reference level for such portion of such building.

(L) Mezzanine: Is an intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

(M) Story: Is that part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.

(N) Story, half: Is an uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6"). For the purpose of this Ordinance the useable floor area is only that area having at least four feet (4') clear height between floor and ceiling.

(O) Structure: Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

47-3.4 LOTS AND AREAS:

(A) Lot: Is a parcel of land occupied, or to be occupied, by a main building or group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance. Every lot shall abut upon and have permanent access to a public street and have a minimum frontage of 30 feet.

(B) Lot of Record: Is a parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by City or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

(C) Lot Area: Is the total horizontal area within the lot lines of the lot.

(D) Lot Corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purpose of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve at the two points where the lot lines meet the curve or the straight street line extended form an interior angle of less than one hundred thirty-five (135) degrees.

(E) Lot, Interior: Is any lot other than a corner lot.

(F) Lot Lines: The lines bounding a lot as defined herein:

1. Front Lot Lines: In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot or double frontage lot, is that line separating said lot from either street.

2. Rear Lot Lines: Is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

3. Side Lot Line: Is any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

(G) Lot Coverage: Is the part or percent of the lot occupied by buildings, including accessory buildings.

(H) Lot Depth: Is the horizontal distance between the front and rear lot lines measured along the median between the side lot lines.

(I) Lots, Through: Is any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage and front yards shall be provided as required.

(J) Lot Width: Is the horizontal distance between the side lot lines measured at the two points where the building line, or setback line, intersects the side lot lines.

(K) Plaza: Is an open area accessible to the public which is either:

1. An open area along the front line not less than five (5) feet deep measured perpendicular to the front lot line, or

2. An open area on a through lot extending from street to street and not less than forty (40) feet wide. Such plaza shall not, at any point, be more than five (5) feet above the curb level of the nearest adjoining street and shall be unobstructed from its lowest level to the sky, except as approved for covered pedestrian walks by the Plan Commission.

(L) Yards: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance and as defined herein:

1. Front Yard: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

2. Rear Yard: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

3. Side Yard: Is an open space between a main building and the side lot line extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

4. Court Yard: An open, unoccupied and unobstructed space, other than a yard, on the same lot with a building, as specified by the Building Code.

(M) Adjacent: Having a common border; abutting.

47-3.5 TYPES OF DWELLINGS:

(A) Apartment: A suite of rooms or a room in a multi-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

(B) Apartment Hotel: A building designed for or containing both dwelling and individual guest rooms or suites of rooms, which building may include accessory uses such as cigar stores, coffee shops, etc., when such uses are accessible only from the lobby.

(C) Boarding House: (Rooming House) A building other than a hotel, here for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons, but not exceeding ten sleeping rooms. A rooming house or a furnished rooming house shall be deemed a boarding house for the purposes of this Ordinance.

(D) Dwelling Unit: Is a building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

(E) Dwelling, One-Family: Is a building designed exclusively for and occupied exclusively by one (1) family.

(F) Dwelling, Two-Family: Is a building designed exclusively for occupancy by two (2) families living independently of each other.

(G) Dwelling, Multiple Family: Is a building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

(H) Hotel: A building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals in which there are ten (10) or more sleeping rooms and no provision made for cooking in any individual room or apartment.

(I) Row House: Is a two (2) story row of three (3) or more attached one (1) family dwelling, not more than two (2) rooms each deep, each unit of which extends from the basement to the roof.

(J) Tent: Any structure used for living or sleeping purposes or for sheltering a public gathering constructed wholly or in part from canvas, tarpaulin, or other similar materials and shall include shelter provided for circuses, carnivals, side shows, revival meetings, camp meetings, and all similar meetings or exhibitions in temporary structures.

(K) Terrace: Is a one (1) or two (2) story row of three (3) or more attached one (1) family dwellings not more than two (2) rooms deep, and having the total dwelling space on one (1) floor.

(L) Trailer Coach: (Mobile Home) Is any vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways, and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

(M) High-Rise Apartments: Apartment buildings having five or more floors of apartments above grade.

47-3.6 TERMS RELATING TO COMMERCIAL STRUCTURES AND USES:

(A) Auto Service Station: Is a place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises; including the sale of minor accessories and the servicing and minor repair of automobiles.

(B) Auto Repair Station: Is a place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, over-all painting and undercoating of automobiles.

(C) Clinic: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals.

(D) Drive-in Establishment: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to either serve patrons while in the motor vehicle or else intended to permit consumption in the motor vehicle of food or beverage obtained by a patron from said business establishment.

(E) Garage, Parking: A space or structure or series of structures for the temporary storage or parking of motor vehicles, having no public shop or service in connection therewith other than for the supplying of motor fuels and lubricants, air, water, and other operating commodities to the patrons of the garage only.

(F) Garage, Service: Any premises used for the storage or care of motor-driven vehicles or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

(G) Loading Space: Is an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

(H) Motel: Is a series of attached, semi-detached, or detached rental units containing a bedroom bathroom, and closet space. Units shall provide for overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

(I) Travel-Trailer Park-Campground: Any privately or municipally owned parcel or tract of land accessible by automobile or other engine-driven vehicle designed, maintained, intended, or used for the purpose of supplying temporary accommodations by recreational vehicles, open to the public and designated as a developed camp area and set aside for free or paying camping purposes.

47-3.7 PARKING TERMS:

(A) Off-Street Parking Lot: Is a facility providing vehicular parking spaces along with a adequate drives and aisles for maneuvering so as to provide access for entrances and exists for the parking of more than two (2) vehicles.

(B) Parking Space: Is hereby determined to be a minimum area of 180 square feet with the least width of 9 feet, said area shall be exclusive of access drives and aisles.

47-3.8 PUBLIC RIGHTS-OF-WAY AND UTILITIES:

(A) Alley: Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

(B) Essential Services: Is the erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmissions or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar

accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

(C) Street Types: Street types defined as follows:

1. Local streets provide access to property by abutting property and collector streets and discouraging through traffic. Local streets are non-conductive to through traffic. Minimum right-of-way widths of local streets vary, depending on the surrounding residential density. Type A local streets have right-of-way widths of not less than fifty (50) feet where the adjoining residential lot size per household is not less than twenty thousand (20,000) square feet and where the adjoining lot frontages are not less than one hundred fifty (150) feet per lot. Type B local streets have right-of-way widths of not less than fifty-four (54) feet where the adjoining residential lot size per household is not less than seven thousand five hundred (7,500) square feet. Type C local streets have right-of-way widths of not less than fifty eight (58) feet where the adjoining residential lot size per household is less than seven thousand five hundred (7,500) square feet.

2. Collector streets carry vehicular and bicycle traffic into and out of neighborhoods and provide linkages between local and arterial streets. Collector streets have right-of-way widths of not more than sixty-six (66) feet.

3. Minor arterials carry large volumes of traffic between different sections of the City as well as between Joliet and other cities. Minor arterials have right-of-way widths not less than eighty (80) feet.

4. Major arterials carry large volumes of traffic between different sections of the City as well as between Joliet and other cities. Major arterials have right-of-way widths of not less than ninety (90) feet. Traffic volumes and speeds on major arterials are greater than on minor arterials.

47-3.10 MISCELLANEOUS TERMS:

(A) Club: Is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.

(B) Excavation: Is any breaking of ground, except common household gardening and ground care.

(C) Farm: All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees, provided, however, that land to be considered a farm, hereunder shall include a contiguous parcel of five (5) acres or more in area, provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries, but establishments keeping or operating fur-bearing animals, riding or boarding stables, commercial dog kennels, stone quarries or gravel or sand pits, shall not be considered farm hereunder unless combined with bona fide farm operations on the same contiguous tract of land of not less than twenty (20) acres. No farms shall be operated as

piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption by persons residing on the premises.

(D) Filling: Is the depositing or dumping of any matter on to or into the ground, except common household gardening and ground cover.

(E) Final Sale, Final Good: A good of or sale of a good for final sale in contrast to an intermediate sale or good which is resold or used to manufacture another product.

(F) Floodlight: Is a luminaire designed to project its light within a well-defined area. It is directional in character.

(G) Footcandle: One footcandle is the amount of illumination provided by one lumen uniformly distributed on one square foot of surface.

(H) Footlambert: One footlambert is the luminance of a surface uniformly emitting, transmitting, or reflecting one lumen.

(I) Garage, Private: An accessory building or portion of a main building designed or used solely for the storage of motor driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

(J) Junk Yard: Is an open area where waste or used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to scrap iron and other metals, papers, rags, rubber tires and bottles. A "Junk Yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

(K) Kenel: Any lot or premises, business or dwelling used for the sale, boarding, breeding or keeping of dogs, cats, or other household pets. Kenel shall also mean the keeping, as pets or otherwise, of three (3) or more dogs over the age of six (6) months. Kennels are prohibited uses in all residential zoning districts. Contiguous properties under common ownership or control that are improved with a single dwelling unit shall constitute a single lot for the purposes of this provision.

(L) Lumen: Is the quantity of luminous flux (illumination) intercepted by a one-square foot surface all points of which are one foot from a light source of one candle-power.

(M) Luminaire: Is a device or fixture containing a light source and used for directing and controlling the distribution of light from the source. The light source itself is a source of visible energy and is distinct from luminaires which is used to direct, reflect, or transmit the light.

(N) Luminance: The intensity or brightness of a light source.

(O) Master Plan: Is the comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the City, and includes any unit or part of such plan and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Plan Commission and/or City Council.

(P) Nursery, Plant Material: Is a space, building or structure, or combination thereof for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this ordinance does not include any space, building or structure used for the sale of fruits, vegetables, or Christmas trees.

(Q) Particle Velocity: Is a measurement of earthborne vibration. For the purposes of this Ordinance, particle velocity is the maximum vector sum of three mutually perpendicular components recorded simultaneously on a seismograph (or other suitable instrument). The measurement is given in displacement (inches) times frequency (hertz) times a constant (6.28).

(R) Planned Unit Developments: The development of a parcel of land having a previously approved overall plan according to the rules and regulations stipulated in Section 47-15A which provides greater flexibility and originality in the design of large scale projects and promotes good site planning, better design provisions for open spaces and high standards for light and air.

(S) Screening (decorative): Decorative screening shall be considered a shadow box or board on board fence of wood grade or vinyl. No chain link fences will be allowed.*

*Ordinance #14415; Dated 9/15/03

(T) Special Use Permits: In accordance with the provisions of Section 5/11-13-11 of the Illinois Municipal Code, this is a permit issued to allow certain specific developments not otherwise permitted in a particular zoning district where the land is located. These uses may include, but are not limited to, public and quasi-public uses affected with the public interest, and uses which may have a unique, special, or unusual impact upon the use or enjoyment of neighboring property and planned developments. These permits are issued only after the applicant has followed the procedures as stated in this Ordinance. Development under a Special Use Permit differs from a zoning change in that it is much more specific. The applicant submits plans and if approved, he must follow those plans exactly or reapply for a permit before deviating from the plan, whereas, a change in zoning grants the ability to develop whatever may be permitted within the new zoning district designation. While the City, in part, derives its authority from the Illinois Municipal Code to classify and regulate special uses, to the extent the provisions of this Ordinance may conflict with the Illinois Municipal Code the City hereby exercises its home rule powers in partial preemption to the extent of such conflict.

(U) Shielding Angle: Is the angle formed by the intersection at the eye, five (5) feet above ground at or beyond the property line, of the line of sight which is tangent to the filament or arc tube and shielding element and a horizontal line at eye level, with the source concealed at all smaller angles.

(V) Stable, Private: A stable for the keeping of horses for the use of residences of the principal use and shall not include the keeping of horses for others or for commercial boarding and with a capacity for not more than two horses; provided, however, that the capacity of a private stable may be increased if the lot whereon such stable is located contains at least one (1) acre of land for each additional horse stabled thereon.

(W) Stable, Public: A stable other than a private stable with a capacity for more than two (2) horses, and carried on within a tract of land of not less than forty (40) acres.

(X) Stock and Trade: With reference to sexually oriented businesses, “stock” means those items of tangible personal property sold at retail in the ordinary course of business and “trade” means “gross receipts”, as such terms are used and defined in the Retailers Occupation Tax Act (35 ILCS 120/1). An establishment may constitute an “adult bookstore” if either 25% or more of its stock or 25% or more of its trade concerns books, magazines, films, video cassettes or other media (whether for viewing off premises or on premises) which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in Section 47-15C.

(Y) Trailer Court: Any plot of ground upon which two or more trailer coaches occupied for dwelling or sleeping purposes are located.

(Z) Zoning Exceptions and Variances: (1) Exception: An exception is a use permitted only after review of an application by the Board of Appeals or Commission other than the Administrative Official (Building Inspector), such review being necessary because the provisions of this Ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation and such review is required by the Ordinance. (2) Variance: Is a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are undue hardship and unique circumstance applying to the property. A variance is not justified unless both elements are present in the case.

The “exception” differs from the “variance” in several respects. An exception does not require “undue hardship” in order to be allowable. The exceptions that are found in this Ordinance appear as “special approval” or review by Plan Commission, Legislative Body, or Board of Appeals. These land uses could not be conveniently allocated to one zone or another or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following:

- (a) They require large areas;
- (b) They are infrequent;
- (c) They sometimes create an unusual amount of traffic;
- (d) They are sometimes obnoxious or hazardous; and
- (e) They are required for public safety and convenience. *

*Ordinance #13051; Revised 1/17/01

ARTICLE IV

SECTION 47-4 ZONING DISTRICTS AND MAP:

For the purpose of this Chapter, all the land in the City of Joliet, Illinois, is hereby divided into the following districts, listed in order from the highest to the lowest:

- R-1 - (One-Family Residence)
- R-1A - (One-Family Residence)
- R-2 - (One-Family Residence)
- R-2A - (One-Family Residence)
- R-3 - (One and Two-Family Residences)
- R-4 - (Multi-Family Districts)
- R-5 - (Multiple-Family Residences)
- R-B - (Restricted Business)
- B-1 - (Neighborhood Business)
- B-2 - (Central Business)
- B-3 - (General Business)
- I-1 - (Light Industrial)
- I-2 - (General Industrial)
- I-3 - (Heavy Industrial)

47-4.2 ZONING MAP:

The boundaries of the districts shall be as shown on the map designated as the "Zoning Map of Joliet, Illinois," signed and dated by the Clerk of the City of Joliet upon adoption. This Zoning Map and all notations, references, and symbols shown thereon pertaining to such districts shall be as much a part of this Chapter as is fully described herein and shall be filed as part of this Chapter by the Clerk of the City of Joliet.

A fee of \$.50 per sheet is hereby established as the cost per copy of each sheet of the official zoning map of the City of Joliet as published according to statute; that such fee shall be paid into the Office of the Zoning Officer of the City of Joliet, and shall be applied to defray the costs of reproduction of said official zoning map. Three copies of the official zoning map are to be maintained and kept up-to-date - one in the Planning Office, one in the Building Inspection Office, and one in the City Clerk's Office - accessible to the public and shall be final authority as to the current zoning status of lands, buildings, and other structures in the City.

47-4.3 UNCERTAINTY OF BOUNDARY LOCATION:

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

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following City limits.

4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.

5. Boundaries indicated as following shore lines shall be construed to follow such shore lines and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Appeals shall interpret the district boundaries.

8. Where a district boundary divides a lot in single ownership at the time of the passage of this Chapter, the Board of Appeals may extend those uses authorized on the least restricted portion of such lot to the entire lot but in no case more than fifty (50) feet.

47-4.4 ZONING UPON ANNEXATION:

Whenever any territory shall hereafter be annexed to the City of Joliet, the zoning conforms with the zoning that existed prior to annexation as determined by the Building Inspector and classification of that land shall be which ever district of this Ordinance most closely the status of existing uses and structures as related to zoning shall remain unchanged until such time as the area annexed has been classified by Ordinance.

The Joliet Plan Commission, within sixty (60) days after the annexation of any territory, shall present to the City Council a proposed amendment to this Chapter classifying said territory in accordance with the purposes and intent hereof. It shall then be the duty of the Council to proceed with the amendment in accordance with the regulations contained in this Chapter and the statutes in such case made and provided.

ARTICLE V

USE REGULATIONS

SECTION 47-5 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT *

This is most restrictive residential district established by the Zoning Ordinance. The intent is to provide for an environment of low-density single family dwellings and certain other uses which either serve the residents of the district or are demonstrably compatible with single family neighborhoods.

* Ord. 10016 11/5/92

47-5.1 PERMITTED PRINCIPAL USES

No land shall be used or occupied and no building or structure shall be designed, erected, altered, enlarged, occupied or used other than for one of the following uses:

- (a) single-family dwellings;
- (b) essential services;
- (c) churches, rectories and parish houses provided:

(1) the church, rectory or parish house is located not less than twenty (20) feet from any other lot located in a residential district; and

(2) the church, rectory or parish house is adjacent to a school or business district; or

(3) the church, rectory or parish house is located on an arterial or collector street

(d) agricultural uses, provided no retail sales are regularly made on the premises and provided further that no building housing farm animals is located on the premises;

(e) community residential homes, subject to the provisions of Section 47-15D.

47-5.2 SPECIAL USES

(A) The following uses may be allowed as special uses by the Board of Appeals:

(1) churches, rectories and parish houses that do not meet the requirements of Section 47-5.1(c);

(2) public or private non-boarding elementary or high schools, including playgrounds and athletic fields incidental thereto, provided such uses are located not less than forty (40) feet from any other lot located in a residential district;

(3) public or private kindergartens, day care centers and nursery schools, provided:

(a) such uses are located not less than forty (40) feet from any other lot located in a residential district; and

(b) that there is not less than seventy-five (75) square feet of outdoor play area for each child; and

(c) that the outdoor play area is enclosed by a fence or wall at least three (3) feet in height.

(4) agricultural uses not meeting the requirements of Section 47-5.1(d), provided that a building housing farm animals shall be located not less than five hundred (500) feet from any other lot located in a residential district;

(5) branch telephone exchanges, static transformer stations and booster or pressure regulating stations, without yard or storage;

(6) cemeteries.

(B) The following uses may be allowed as special uses by the Mayor and City Council with the advice of the Board of Appeals:

(1) public or private social or recreational centers of a community nature, including but not limited to, a facility owned or operated by a homeowner or condominium association for the common benefit of its members, provided the center is located not less than twenty (20) feet from any other lot located in a residential district;

(2) public parks, playgrounds, forest preserves, linear parks or trails;

(3) public libraries, museums and other public cultural uses, provided such uses are located not less than twenty (20) feet from any other lot in a residential district;

(4) police stations;

(5) fire stations, including the stationing of publicly-operated emergency response vehicles;

(6) civil defense facilities and emergency warning devices;

(7) juvenile detention facilities or any other facility used for the involuntary criminal or civil commitment of minors;

(8) adult detention facilities, including, but not limited to, penitentiaries, correctional centers, secure facilities as defined by the Sexually Violent Persons Commitment Act (725 ILCS 207, et. seq.), county jails or detention facilities, or any other facility used for the involuntary criminal or civil commitment of adults.

(9) public works facilities;

(10) other public service buildings and uses.

(11) private country clubs, golf courses, tennis courts and similar private recreational uses, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot located in a residential district.

(C) A special use permit shall not be granted unless the applicant establishes by clear and convincing evidence:

- (1) That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare; and
- (2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; and
- (3) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district; and
- (4) That adequate utilities, access roads, drainage, and/or other necessary facilities have been or will be provided; and
- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- (6) That the special use shall in all other respects conform to the applicable land use regulations of the district in which it is located and shall not be in violation of any other applicable law, ordinance or regulation; and
- (7) At least one (1) year has elapsed since any denial of any prior application for a special use permit that would have authorized substantially the same as all or part of the sites, unless conditions in the area have substantially changed.

(D) All applications for a special use permit shall be heard by the Board of Appeals. The Board shall have jurisdiction to render a final administrative decision for any special use specified in Sections 47-5.2(a), 47-6.2(a), 47-6A.2(a), 47-7.2(a), 47-8.2(a) and 47-9.2(a). In all other cases the Board of Appeals shall act in an advisory capacity to the Mayor and City Council. In considering an application for a special use permit the Board of Appeals shall follow the procedures set forth in Section 47-19.7 for the review of special exceptions and variations.

(E) No special use permit shall be valid for a period longer than one hundred and eighty (180) days from the date it is granted unless a building permit or certificate of occupancy is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. The Board may grant an extension of this period, valid for no more than one hundred and eighty (180) additional days, upon written application and good cause shown without notice or hearing. Whether or not there is an intention to abandon the special use, if any special use is discontinued for a continuous period of one year, or if an intent to abandon the special use is evident in a shorter period of time, the special use permit for such use shall become void, and such use shall not thereafter be reestablished unless a new special use permit is obtained. *

* ORDINANCE #13051; REVISED 1/17/01

47-5.3 PERMITTED ACCESSORY USES

The following uses shall be considered as permitted accessory uses, provided such uses are subordinate in area, extent and purpose to the principal use, contribute to the comfort, convenience or necessity of occupants of the principal building and are located on the same lot as the principal use:

- (a) Private parking areas;
- (b) The providing of lodging or table board for periods of time not less than thirty (30) days for not more than two (2) persons in addition to the family;
- (c) Home occupations, provided:
 - (1) the home occupation is operated entirely within the principal dwelling and only by the person or persons maintaining a residence therein; and
 - (2) the home occupation does not have a separate entrance from outside the building; and
 - (3) the building is not altered in such a way that any portion thereof is no longer suitable for residential use; and
 - (4) the home occupation is limited to no more than twenty-five percent (25%) of the total floor area of any one level; and
 - (5) the home occupation does not utilize any equipment except that which is customarily found in residential dwellings; and
 - (6) there is no external evidence of the home occupation, (including, but not limited to, commercial vehicles and outdoor storage) except for one (1) unanimated, non-illuminated wall sign having an area of not more than one (1) square foot.
- (d) Other uses customarily incidental to the established principal use.

The following uses shall be considered as permitted accessory uses, provided that such uses shall not be located in a required front yard, required side yard of a corner lot or in a required front yard for a through lot.

- (e) Detached garages and carports;
- (f) Dog houses and dog runs or similar housing for animals;
- (g) Garden houses and greenhouses;
- (h) Roofed porches, roofed decks and gazebos;
- (i) Storage sheds and tool sheds;
- (j) Outdoor laundry drying equipment;
- (k) Recreational structures and playground equipment (including trampolines);

- (l) Swimming pools, tennis courts and similar items;
- (m) Living quarters of persons employed on the premises;

The following uses shall be considered as permitted accessory uses, provided that such uses shall not be located within the front yard of any lot as defined in Section 47-3.4 of the Zoning Ordinance and only upon a paved surface area or driveway:

(n) The outdoor storage of one recreational vehicle or one watercraft not exceeding 25 feet in length or 10 feet in height, exclusive of bumpers, spare tires, hitching equipment, antennae or ventilation equipment, except that not more than one such vehicle or watercraft shall be permitted as of right;

(o) The outdoor storage of limousines or van buses with no more than 2 axles or having a gross weight not in excess of 5,000 pounds;

For the purpose of this section, private roads shall be treated as public streets for ascertaining the boundaries of required yards.

Recreational vehicles and watercraft exceeding 25 feet in length or 10 feet in height, exclusive of bumpers, spare tires, hitching equipment, antennae or ventilation equipment, shall not be considered permitted accessory uses and may not be stored in a residential zoning district out of doors. This shall not prohibit loading, off-loading or incidental maintenance not exceeding 72 consecutive hours in duration.

The outdoor storage of commercial vehicles, including but not limited to, school buses, tour buses, passenger buses, moving vans, semi-trucks, trailers, cargo carriers, heavy equipment or any wheeled apparatus having more than two axles or a gross weight in excess of 5,000 pounds, shall not be considered a permitted accessory use and is not a permitted use in a residential zoning district. *

* Ord. #13383; 11/20/01

47-5.4 YARD AND LOT REQUIREMENTS

The following yard and lot requirements shall apply to all lots in a R-1 zoning district:

No. of Stories	Minimum Lot Area (sq. ft)	Lot Area Per Family sq. ft.	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Minimum Sum of Side Yd
1-1 1/2	10,000	10,000	75 ft	30 ft	25 ft	8 ft	20 ft
2-2 1/2	10,000	10,000	75 ft	30 ft	25 ft	10 ft	25 ft

A consolidated schedule of yard and lot requirements applicable to all residential zoning districts is set forth in Section 47-16. In the event the requirements of Section 47-5.4 conflict with Section 47-16 the requirements of Section 47-5.4 shall take precedence.

47-5.5 HEIGHT LIMITATION

No structure located in a R-1 district shall exceed 2 1/2 stories or thirty (30) feet in height.

47-5.6 OFF-STREET PARKING

Each dwelling unit located in a R-1 zoning district shall have two (2) off-street parking spaces on the lot on which the dwelling is situated. Off-street parking requirements for all other uses are set forth in Section 47-17.17.

47-5.7 SIGNS

The signage requirements applicable to R-1 zoning districts are set forth in Section 47-17.21.

47-5.8 PROHIBITED USES

All uses not expressly permitted as of right by Section 47-5.1 or pursuant to a conditional use permit by Section 47-5.2 or as a permitted accessory use by Section 47-5.3 are prohibited in R-1 zoning districts.

SECTION 47-5A R-1A SINGLE FAMILY RESIDENTIAL DISTRICT

The R-1A zoning district has the same land objectives as the R-1 district but provides for slightly smaller minimum lot sizes and lot widths and establishes a minimum mean lot size for lots platted as part of a subdivision as defined by the Subdivisions Regulations of the City of Joliet.

47-5A.1 PERMITTED PRINCIPAL USES

No land shall be used and no building or structure shall be designed, erected, enlarged, occupied, or used other than for one of the following uses:

- (a) those uses permitted as of right pursuant to Section 47-5.1

47-5A.2 SPECIAL USES

(a) The following uses may be allowed as special uses by the Board of Appeals in accordance with Section 47-5.2:

- (1) Those special uses permitted under Section 47-5.2(a).

(b) The following uses may be allowed by the Mayor and City Council, with the advice of the Board of Appeals, in accordance with Section 47-5.2:

- (1) Those special uses permitted under Section 47-5.2(b).

47-5A.3 PERMITTED ACCESSORY USES

The accessory uses permitted in R1-A zoning districts shall be the same as those permitted in R-1 zoning districts, as set forth in Section 47-5.3.

47-5A.4 YARD AND LOT REQUIREMENTS

The following minimum yard and lot requirements shall apply to each individual lot in a R-1A zoning district:

No. of Stories	Lot Area (sq. ft.)	Lot Area per Family (sq. ft.)	Lot Width	Front Yard	Rear Yard	Side Yard	Sum of Side Yards
1-1 ½	8,000	8,000	65 feet	30 feet	25 feet	6 feet	15 feet
2-2 ½	8,000	8,000	65 feet	30 feet	25 feet	8 feet	20 feet

In addition to any other requirement, every subdivision located in an R1-A zoning district shall, at the time of record platting, have a mean lot size average of not less than 8,500 square feet.

A consolidated schedule of yard and lot requirements applicable to all residential zoning districts is set forth in Section 47-16. In the event the requirements of Section 47-5A.4 conflict with Section 47-16, the requirements of Section 47-5A.4 shall take precedence.

47-5A.5 HEIGHT LIMITATION

No structure located in a R-1A district shall exceed 2 ½ stories or thirty (30) feet in height, whichever is less.

47-5A.6 OFF-STREET PARKING

Each dwelling unit located in a R-1A zoning district shall have not less than (2) off-street parking spaces on the lot on which the dwelling is situated. Off-street parking requirements for all other uses are set forth in Section 47-17.17.

47-5A.7 SIGNS

The signage requirements applicable to R-1A zoning districts are set forth in Section 47-17.21.

47-5A.8 PROHIBITED USES

All uses not expressly permitted as of right by Section 47-5A.1 or pursuant to a special use permit by Section 47-5A.2 or as a permitted accessory use by Section 47-5A.3 are prohibited in R1-A zoning districts.*

*Ord. #13671; dated 8/6/02

SECTION 47-5B R-1B SINGLE FAMILY RESIDENTIAL DISTRICT

The R-1B zoning district has the same land objectives as the R-2 district but provides for slightly larger minimum lot sizes and lot widths and establishes a required average lot size for lots developed as part of a subdivision as defined by the Subdivisions Regulations of the City of Joliet.

47-5B.1 PERMITTED PRINCIPAL USES

No land shall be used and no building or structure shall be designed, erected, enlarged, occupied, or used other than for one of the following uses:

- (a) those uses permitted as of right pursuant to Section 47-5.1

47-5B.2 SPECIAL USES

(A) The following uses may be allowed as special uses by the Board of Appeals in accordance with Section 47-5.2:

- (1) Those special uses permitted under Section 47-5.2(a).

(B) The following uses may be allowed by the Mayor and City Council, with the advice of the Board of Appeals, in accordance with Section 47-5.2:

(1) Those special uses permitted under Section 47-5.2(b).

47-5B.3 PERMITTED ACCESSORY USES

The accessory uses permitted in R1-B zoning districts shall be the same as those permitted in R-1 zoning districts, as set forth in Section 47-5.3.

47-5B.4 YARD AND LOT REQUIREMENTS

The following minimum yard and lot requirements shall apply to each individual lot in an R-1B zoning district:

No. of Stories	Lot Area (sq. ft.)	Lot Area per Family (sq. ft.)	Lot Width	Front Yard	Rear Yard	Side Yard	Sum of Side Yards
1-1 ½	9,100	9,100	75 feet	30 feet	25 feet	6 feet	15 feet
2-2 ½	9,100	9,100	75 feet	30 feet	25 feet	8 feet	20 feet

Any lots in an R1-B zoning district that are subdivided under the Subdivision Regulations of the City of Joliet and are to be improved with a residential dwelling shall, notwithstanding the requirements for individual lots, meet the following requirement for average lot size:

The mean average of the square footage of all such lots subdivided shall be no less than 10,000 square feet.

The foregoing table notwithstanding, in subdivisions consisting of zero (0) to fifty (50) lots the minimum lot width shall be seventy-five (75) feet. In subdivisions consisting of 50 or more lots, the minimum lot width shall be seventy (70) feet and seventy-five (75) feet with the mean average of the lot widths shall be seventy two and one-half (72½) feet.

A consolidated schedule of yard and lot requirements applicable to all residential zoning districts is set forth in Section 47-16. In the event the requirements of Section 47-5B.4 conflict with Section 47-16, the requirements of Section 47-5B.4 shall take precedence.

47-5B.5 HEIGHT LIMITATION

No structure located in a R-1B district shall exceed 2 ½ stories or thirty (30) feet in height.

47-5B.6 OFF-STREET PARKING

Each dwelling unit located in a R-1B zoning district shall have no less than (2) off-street parking spaces on the lot on which the dwelling is situated. Off-street parking requirements for all other uses are set forth in Section 47-17.17.

47-5B.7 SIGNS

The signage requirements applicable to R-1B zoning districts are set forth in Section 47-17.21.

47-5B.8 PROHIBITED USES

All uses not expressly permitted as of right by Section 47-5B.1 or pursuant to a special use permit by Section 47-5B.2 or as a permitted accessory use by Section 47-5B.3 are prohibited in R1-B zoning districts.*

Ord. #14346; dated 7/1/03

SECTION 47-6 R-2 SINGLE FAMILY RESIDENTIAL DISTRICT

The R-2 zoning district has the same land use objectives as the R-1 district but allows for slightly greater densities.

47-6.1 PERMITTED PRINCIPAL USES

No land shall be used or occupied and no building or structure shall be designed, erected, altered, enlarged, occupied or used other than for one of the following uses:

- (a) those uses permitted as of right pursuant to Section 47-5.1.

47-6.2 SPECIAL USES

(A) The following uses may be allowed as special uses by the Board of Appeals in accordance with Section 47-5.2:

- (1) Those special uses permitted under Section 47-5.2(a).

(B) The following uses may be allowed by the Mayor and City Council, with the advice of the Board of Appeals, in accordance with Section 47-5.2:

- (1) Those special uses permitted under Section 47-5.2(b). *

*ORDINANCE #13051; REVISED 1/17/01

47-6.3 PERMITTED ACCESSORY USES

The accessory uses permitted in R-2 zoning districts shall be the same as those permitted in R-1 zoning districts, as set forth in Section 47-5.3.

47-6.4 YARD AND LOT REQUIREMENTS

The following yard and lot requirements shall apply to all lots in a R-2 zoning district:

No. of Stories	Minimum Lot Area (sq. ft)	Lot Area Per Family sq. ft.	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Minimum Sum of Side Yd.
1-1 1/2	7,500	7,500	60 ft	30 ft	25 ft	6 ft	15 ft
2-2 1/2	7,500	7,500	60 ft	30 ft	25 ft	8 ft	20 ft

A consolidated schedule of yard and lot requirements applicable to all residential zoning districts is set forth in Section 47-16. In the event the requirements of Section 47-6.4 conflict with Section 47-16, the requirements of Section 47-6.4 shall take precedence.

47-6.5 HEIGHT LIMITATION

No structure located in a R-2 district shall exceed 2 1/2 stories or thirty (30) feet in height.

47-6.6 OFF-STREET PARKING

Each dwelling unit located in a R-2 zoning district shall have no less than two (2) off-street parking spaces on the lot on which the dwelling is situated. Off-street parking requirements for all other uses are set forth in Section 47-17.17.

47-6.7 SIGNS

The signage requirements applicable to R-2 zoning districts are set forth in Section 47-17.21.

47-6.8 PROHIBITED USES

All uses not expressly permitted as of right by Section 47-6.1 or pursuant to a special use permit by Section 47-6.2 or as a permitted accessory use by Section 47-6.3 are prohibited in R-2 zoning districts. *

* ORDINANCE #13051; REVISED 1/17/01

SECTION 47-6A R-2A SINGLE FAMILY RESIDENTIAL DISTRICT

The R-2A zoning district is intended to accommodate those areas within the City of Joliet which were platted with smaller lots than is now customary by allowing the continuation of greater population densities while also preserving the single family residential character of such areas.

47-6A.1 PERMITTED PRINCIPAL USES

No land shall be used or occupied and no building or structure shall be designed, erected, altered, enlarged, occupied or used other than for one of the following uses:

(a) those uses permitted as of right pursuant to Section 47-5.1.

47-6A.2 SPECIAL USES

(A) The following uses may be allowed as special uses by the Board of Appeals in accordance with Section 47-5.2:

(1) Those special uses permitted under Section 47-5.2(a)

(B) The following uses may be allowed as special uses by the Mayor and City Council, with the advice of the Board of Appeals, in Accordance with Section 47-5.2:

(1) Those special uses permitted under Section 47-5.2(b). **

**ORDINANCE #13051; REVISED 1/17/01

47-6A.3 PERMITTED ACCESSORY USES

The accessory uses permitted in R-2A zoning districts shall be the same as those permitted in R-1 zoning districts, as set forth in Section 47-5.3.

47-6A.4 YARD AND LOT REQUIREMENTS

The following yard and lot requirements shall apply to all lots in a R-2A zoning district:

No. of Stories	Minimum Lot Area (sq. ft)	Lot Area Per Family sq. ft.	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Minimum Sum of Side Yd.
1-2 1/2	4,800	4,800	38 ft	25 ft	25 ft	5 ft	10 ft

A consolidated schedule of yard and lot requirements applicable to all residential zoning districts is set forth in Section 47-16. In the event the requirements of Section 47-6A.4 conflict with Section 47-16, the requirements of Section 47-6A.4 shall take precedence.

47-6A.5 HEIGHT LIMITATION

No structure located in a R-2A district shall exceed 2 1/2 stories or thirty (30) feet in height.

47-6A.6 OFF-STREET PARKING

Each dwelling unit located in a R-2A zoning district shall have no less than two (2) off-street parking spaces on the lot on which the dwelling is situated. Off-street parking requirements for all other uses are set forth in Section 47-17.17.

47-6A.7 SIGNS

The signage requirements applicable to R-2A zoning districts are set forth in Section 47-17.21.

47-6A.8 PROHIBITED USES

All uses not expressly permitted as of right by Section 47-6A.1 or pursuant to a special use permit by Section 47-6A.2 or as a permitted accessory use by Section 47-6A.3 are prohibited in R-2A zoning districts. *

*ORDINANCE #13051; REVISED 1/17/01

SECTION 47-7 R-3 ONE AND TWO-FAMILY RESIDENTIAL DISTRICT

The R-3 zoning district is established in recognition of the older residential areas of the City of Joliet where larger single family homes can be converted to two-family residences without detracting from the economic viability of nearby single family homes or the historical or architectural significance of such areas. The R-3 district is also intended to permit the original construction of two-family residences where nearby land uses justify greater population densities.

47-7.1 PERMITTED PRINCIPAL USES

No land shall be used or occupied and no building or structure shall be designed, erected, altered, enlarged, occupied or used other than for one of the following uses:

- (a) two-family dwellings;
- (b) those uses permitted as of right pursuant to Section 47-5.1

47-7.2 SPECIAL USES

(A) The following uses may be allowed as special uses by the Board of Appeals in accordance with Section 47-5.2:

- (1) Those special uses permitted under Section 47-6.2(a).

(B) The following uses may be allowed as special uses by the Mayor and City Council, with the advice of the Board of Appeals, in accordance with Section 47-5.2:

- (1) Those special uses permitted under Section 47-5.2(b). *

*ORDINANCE #13051; REVISED 1/17/01

47-7.3 PERMITTED ACCESSORY USES

The accessory uses permitted in R-3 zoning districts shall be the same as those permitted in R-1 zoning districts, as set forth in Section 47-5.3.

47-7.4 YARD AND LOT REQUIREMENTS

The following yard and lot requirements shall apply to all lots in a R-3 zoning district:

- (a) Lots Improved with Single Family Dwellings

No. of Stories	Minimum Lot Area (sq. ft)	Lot Area Per Family sq. ft.	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Minimum Sum of Side Yd.
1-1 1/2	7,500	7,500	60 ft	30 ft	25 ft	6 ft	15 ft
2-2 1/2	7,500	7,500	60 ft	30 ft	25 ft	8 ft	20 ft

- (b) Lots Improved with Two-Family Dwellings

No. of Stories	Minimum Lot Area (sq. ft)	Lot Area Per Family sq. ft.	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Minimum Sum of Side Yd.
1-1 1/2	7,000	3,500	50 ft	25 ft	25 ft	5 ft	12 ft
2-2 1/2	7,000	3,500	50 ft	25 ft	25 ft	6 ft	14 ft

(c) A consolidated schedule of yard and lot requirements applicable to all residential zoning districts is set forth in Section 47-16. In the event the requirements of Section 47-7.4 conflict with Section 47-16, the requirements of Section 47-7.4 shall take precedence.

47-7.5 HEIGHT LIMITATION

No structure located in a R-3 district shall exceed 2 1/2 stories or thirty-five (35) feet in height.

47-7.6 OFF-STREET PARKING

(a) Each detached single family dwelling in a R-3 district shall have no less than two (2) off-street parking spaces on the lot on which the dwelling is situated.

(b) Each attached single family dwelling in a R-3 district located on a lot which was created by a subdivision made in accordance with Section 1.5D of the Subdivision Regulations shall have no less than two (2) off-street parking spaces, at least one of which must be on the lot that the dwelling is situated and one of which may be on the other lot created by the subdivision and shared with the adjacent dwelling.

(c) Each two-family dwelling in a R-3 district shall have no less than three (3) off-street parking spaces on the lot on which the dwelling is located.

(d) Off-street parking requirements for all other uses are set forth in Section 47-17.17.

47-7.7 SIGNS

The signage requirements applicable to R-3 zoning districts are set forth in Section 47-17.21.

47-7.8 PROHIBITED USES

All uses not expressly permitted as of right by Section 47-7.1 or pursuant to a special use permit by Section 47-7.2 or as a permitted accessory use by Section 47-7.3 are prohibited in R-3 zoning districts. *

*ORDINANCE #13051; REVISED 1/17/01

SECTION 47-8 R-4 LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

The R-4 zoning district is intended to provide for residential areas of medium density in order to ensure a more varied housing stock and to provide a buffer between areas of more intense use from areas of lower intensity.

47-8.1 PERMITTED PRINCIPAL USES

No land shall be used or occupied and no building or structure shall be designed, erected, altered, enlarged, occupied or used other than for one of the following uses:

(a) multiple family dwellings in a planned unit development, provided that no more than six (6) dwelling units per net residential acre shall be permitted; *

(b) those uses permitted as a right pursuant to Section 47-7.1. **

* Ord. 12183; 1/20/99

** Ord. 11215; 7/16/96

47-8.2 SPECIAL USES

(A) The following uses may be allowed as special uses by the Board of Appeals in accordance with Section 47-5.2:

(1) Those special uses permitted under Section 47-5.2(a).

(B) The following uses may be allowed as special uses by the Mayor and City Council, with the advice of the Board of Appeals, in accordance with Section 47-5.2:

(1) Those special uses permitted under Section 47-5.2(b);

(2) Boarding houses, lodging houses, dormitories, fraternity houses, sorority houses;

(3) Boarding schools, monasteries, nunneries, religious retreats and orphanages.***

***Ord. 13051; revised 1/17/01

47-8.3 PERMITTED ACCESSORY USES

The accessory uses permitted in R-4 zoning districts shall be the same as those permitted in R-1 zoning districts, as set forth in Section 47-5.3.

47-8.4 YARD AND LOT REQUIREMENTS

The following yard and lot requirements shall apply to all lots in a R-4 zoning district:

(a) Lots Improved with Single Family Dwellings

No. of Stories	Min. Lot Area (sq. ft)	Lot Area Per Family (sq. ft.)	Min Lot Width	Min. Front Yard	Min. Rear Yard	Min. Side Yard	Sum of Side Yd.
1-1 1/2	7,500	7,500	60 ft	30 ft	25 ft	6 ft	15 ft
2-2 1/2	7,500	7,500	60 ft	30 ft	25 ft	8 ft	20 ft

(b) Lots Improved with Two-Family Dwellings

No. of Stories	Min. Lot Area (sq. ft)	Lot Area Per Family (sq. ft.)	Min Lot Width	Min. Front Yard	Min. Rear Yard	Min. Side Yard	Sum of Side Yd.
1-1 1/2	7,000	3,500	50 ft	25 ft	25 ft	5 ft	12 ft
2-2 1/2	7,000	3,500	50 ft	25 ft	25 ft	6 ft	14 ft

(c) Lots Improved with Multiple Family Dwellings

No. of Stories	Min. Lot Area (sq. ft)	Lot Area Per Family (sq. ft.)	Min Lot Width	Min. Front Yard	Min. Rear Yard	Min. Side Yard	Sum of Side Yd.
1-1 1/2	5,000	2,500	50 ft	25 ft	25 ft	5 ft	12 ft
2-2 1/2	5,000	2,500	50 ft	25 ft	25 ft	6 ft	14 ft

(d) A consolidated schedule of yard and lot requirements applicable to all residential zoning districts is set forth in Section 47-16. In the event the requirements of Section 47-8.4 conflict with Section 47-16, the requirements of Section 47-8.4 shall take precedence.

47-8.5 HEIGHT LIMITATION

No structure located in a R-4 district shall exceed 2 1/2 stories or thirty-five (35) feet in height.

47-8.6 OFF-STREET PARKING

(a) Each single family dwelling in a R-4 district shall have no less than two (2) parking spaces on the lot on which the dwelling is located.

(b) Each two-family dwelling in a R-4 district shall have no less than three (3) parking spaces on the lot on which the dwelling is located.

(c) Each multiple family dwelling in a R-4 district shall have no less than one and one-half (1 1/2) off-street parking spaces per dwelling unit, plus one (1) off-street parking space for each employee.

(d) Off-street parking requirements for all other uses are set forth in Section 47-17.17.

47-8.7 SIGNS

The signage requirements applicable to R-4 zoning districts are set forth in Section 47-17.21.

47-8.8 PROHIBITED USES

All uses not expressly permitted as of right by Section 47-8.1 or pursuant to a special use permit by Section 47-8.2 or as a permitted accessory use by Section 47-8.3 are prohibited in R-4 zoning districts. *

*ORDINANCE #13051; REVISED 1/17/01

SECTION 47-9 R-5 HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

The R-5 zoning district is intended to permit residential uses of land with high population densities in order to ensure a wide variety of housing opportunities within the City of Joliet.

47-9.1 PERMITTED PRINCIPAL USES

No land shall be used or occupied and no building or structure shall be designed, erected, altered, enlarged, occupied or used other than for one of the following uses:

(a) multiple family dwellings in a planned unit development, provided that no more than ten (10) dwelling units per net residential acre shall be permitted; **

** Ord. 12183 1/20/99

(b) those uses permitted as of right pursuant to Section 47-8.1.

47-9.2 SPECIAL USES

(A) The following uses may be allowed as special uses by the Board of Appeals in accordance with Section 47-5.2:

(1) Those special uses permitted under Section 47-8.2(a).

(B) The following uses may be allowed as special uses by the Mayor and City Council, with the advice of the Board of Appeals, in accordance with Section 47-5.2:

(1) Those special uses permitted under Section 47-8.2(b). ***

***Ord. #13051; REVISED 1/17/01

47-9.3 PERMITTED ACCESSORY USES

The following accessory uses shall be permitted in R-5 zoning districts:

- (a) those accessory uses permitted under Section 47-5.3;
- (b) incidental commercial services, provided:

(1) the services are limited principally to the residents of the multiple family dwelling;

(2) the services are located within the principal building and do not exceed 6,000 square feet or 2% of the gross floor area of the level on which they are provided, whichever is less;

(3) there are no advertising signs or window displays concerning the services which are visible from the exterior of the principal building;

(4) there is no direct access to the services from the exterior of the principal building;

(5) such other accessory structures or uses that are customarily incidental to the permitted principal use.

47-9.4 YARD AND LOT REQUIREMENTS

(a) The minimum lot area for lots improved with multiple family dwellings is two thousand five hundred (2,500) square feet per dwelling unit. The minimum lot area for lots improved with two-family dwellings is three thousand five hundred (3,500) square feet per dwelling unit. The minimum lot area for lots improved with single family dwellings is seven thousand five hundred (7,500) square feet.

(b) The minimum front and rear yard requirements of any lot in a R-5 district shall be at least twenty-five (25) feet or one foot for each two feet of building height, whichever is greater. Accessory structures are permitted in a required rear yard, but in no event shall such structure be located within five (5) feet of the rear lot line.

(c) The minimum side yard requirements of any multiple family dwelling in a R-5 district shall be at least one foot for each three feet of building height. The minimum side yard requirements of any other use is set forth in Section 47-16.

(d) The minimum width of any lot in a R-5 zoning district shall be fifty (50) feet.

(e) The gross floor area of a multiple family dwelling shall not exceed the actual lot area.

(f) The horizontal distance between a multiple family dwelling and any other principal building shall not be less than the height of the taller structure, except that the horizontal distance between a side elevation of a multiple family dwelling and any other principal building shall not be less sixty percent (60%) of the height of the taller structure, but in no event less than twenty (20) feet. The horizontal distance between wings of a multiple family dwelling shall not be less than the length of such wings or the height of the taller wing, whichever is greater.

(g) No more than twenty per cent (20%) of the ground area of any lot in a R-5 district may be covered by structures. The remaining eighty per cent (80%), except that devoted to driveways and parking areas, shall be landscaped and maintained in such a manner as to avoid becoming a nuisance. Terraces atop parking garages may be included in the computation for

required open space, provided said terrace is not more than ten (10) feet above finished grade at the lot line.

(h) A consolidated schedule of yard and lot requirements applicable to all residential zoning districts is set forth in Section 47-16. In the event of the requirements of Section 47-9.4 conflict with Section 47-16, the requirements of Section 47-9.4 shall take precedence.

47-9.5 HEIGHT LIMITATION

No structure located in a R-5 district shall exceed five (5) stories or sixty (60) feet in height. No accessory structure shall exceed one story or fifteen (15) feet in height.

47-9.6 OFF-STREET PARKING

(a) Each single family dwelling in a R-5 district shall have no less than two (2) parking spaces on the lot on which the dwelling is located.

(b) Each two-family dwelling in a R-5 district shall have no less than three (3) parking spaces on the lot on which the dwelling is located.

(c) Each multiple family dwelling in a R-5 district shall have no less than one and one-half (1 1/2) off-street parking spaces per dwelling unit, plus one (1) off-street parking space for each employee.

(d) Off-street parking requirements for all other uses are set forth in Section 47-17.17.

47-9.8 PROHIBITED USES

All uses not expressly permitted as a right by Section 47-9.1 or pursuant to a special use permit by Section 47-9.2 or as a permitted accessory use by Section 47-9.3 are prohibited in R-5 zoning districts. *

*ORDINANCE #13051; REVISED 1/17/01

SECTION 47-10 R-B RESTRICTED BUSINESS DISTRICT:

The purpose of this District is to provide for the maintenance and alteration of existing buildings and for new construction of clean, inoffensive business offices and professional buildings and multiple family residential buildings.

47-10.1 PERMITTED USES:

(1) Offices of surgeons, physicians, dentists and other similar professional persons concerned with the community health and medical treatment of persons.

(2) Facilities for the care of persons and animals, such as:

(a) Hospitals, medical clinics,

(b) Animal hospitals and veterinary clinics completely within an enclosed building.

(3) Offices of architects, engineers, artists, and other graphic arts.

(4) Offices in which the personnel will be employed for work in executive, administrative, legal, writing, clerical, stenographic, accounting, insurance or similar enterprises.

(5) Those uses permitted as of right pursuant to Section 47-7, provided the uses conform to the area, bulk and other district regulations in which the uses are typically located. *

* Ord. #11215; 7/16/96

(6) Public and Semi-Public Buildings, not including storage yards for materials or equipment.

(7) Dental Laboratories.

(8) Clubs and fraternal lodge halls, but not including those whose chief activity is rendering services customarily carried on as a business.

(9) Tourist homes.

(10) Military facilities, Armory, Reserve Center, etc.

(11) Mortuaries on lots fronting on collector and minor arterial streets as shown on the Official Street Classification Map.

47-10.2 ACCESSORY USES AND BUILDINGS PERMITTED:

(1) Incidental commercial services provided the following conditions are complied with:

(a) Such services shall be limited principally to the tenants of the building.

(b) Such commercial areas shall be contained within the principal building, and shall not exceed 6,000 square feet or 2% of the gross floor area.

(c) No advertising signs or window displays visible from the exterior of the structure shall be permitted.

(d) There shall be no direct access to any commercial service from the exterior of the building.

(2) Garages shall be permitted for storage purposes only with no repair facilities.

(3) Such accessory buildings and accessory uses as are customarily incidental to the permitted principal uses.

47-10.3 SPECIAL USES:

The following uses may be allowed as special uses by the Mayor and City Council, with the advice of the Board of Appeals, in accordance with Section 47-5.2:

(A) Those uses permitted as of right pursuant to Section 47-9.1, provided the uses conform to the area, bulk and other district regulations in which the uses are typically located;

(B) Those special uses permitted under Section 47-9.2;

(C) Research laboratories; *

* Ord. #11215; 7/16/96

47-10.4 YARD REQUIREMENTS AND LOT COVERAGE:

(1) Required Yards: The following minimum yard areas shall be provided:

(a) Front Yards: 25 feet in depth.

(b) Side Yards: 15 feet on each side.

(c) Rear Yards: 40 feet in depth.

(d) Side yards for clinics, hospitals, sanitariums, and convalescent homes: 20 feet on each side.

(2) Lot Coverage: No building and its accessory building shall collectively cover more than forty (40) percent of the lot area.

47-10.5 BUILDING HEIGHTS:

The building height in this District shall not exceed six (6) stories or 75 feet, except in the R-B District that is contiguous to the B-2 (Central Business District), where the height shall not exceed 10 stories or 120 feet.

47-10.6 ACCESSORY PARKING:

Spaces shall be provided in accordance with the provisions in Section 47-17.17.

47-10.7 OFF-STREET LOADING:

Spaces shall be provided in accordance with the provisions in Section 47-17.16.

47-10.8 SIGN REGULATIONS:

See Section 47-17.21 for size and location of permitted signs.

47-10.9 LANDSCAPING:

All yard areas not used for parking or ways for pedestrians or vehicles shall be planted with grass and/or shrubbery so as to provide attractive green areas.

47-10.10 SCREENING:

See Section 47-17.18 for screening regulations for uses adjoining residential districts.

47-10.11 PROHIBITED USES:

All uses not expressly permitted as of right by Section 47-10.1 or as a permitted accessory use under Section 47-10.2 or pursuant to a special use permit under Section 47-10.3 are prohibited in R-B zoning districts. *, **

* Ord. #11215; 7/16/96

** Ord. #13051; REVISED 1/17/01

SECTION 47-11 B-1 NEIGHBORHOOD BUSINESS DISTRICT:

The purpose of this District is to provide uses designed to supply a majority of the daily needs of those living in the immediate vicinity. Ideally these Districts will range from two to four acres in size, contain five to ten uses and be spaced no less than 3/4 of a mile apart.

47-11.1 PERMITTED PRINCIPAL USES:

No land shall be used or occupied and no building or structure shall be designed, erected, altered, enlarged, occupied or used other than the one of the following uses:

(a) Those uses permitted as of right pursuant to Section 47-7.1 or Section 47-10.1, provided the uses conform to the area, bulk and other district regulations in which the uses are typically located;

(b) Retail sale of appliances, auto accessories, bakery goods with baking limited to goods for retail sales on the premises, books or stationery, cameras and photographic supplies, candy or ice cream, computers, drugs, dry goods, electronics, floor coverings, flowers, food, furniture including incidental upholstery, gifts, haberdashery, hardware or paints, home and office furnishings and supplies, jewelry, new clothing and apparel, package liquor, shoes, software, telecommunications equipment and services, video and audio recordings;

(c) Service establishments such as automobile service stations, bank or other financial institutions, barber shop or beauty shop, business or professional office, clothes cleaning or laundry pickup station, funeral home, private dancing, music, business, trade or vocational school, restaurant, including drive-in, tavern, self-service laundry, telephone exchanges, theater;

(d) Public parking lots, customer and other accessory parking areas, subject to the provisions of Section 47-17.17. *

* Ord. #11215; 7/16/96

47-11.2 PERMITTED ACCESSORY USES:

Accessory uses customarily incidental to a permitted principal use.

47-11.2A SPECIAL USES:

The following uses may be allowed as special uses by the Mayor and City Council, with the advice of the Board of Appeals, in accordance with Section 47-5.2:

(A) Those uses permitted as of right pursuant to Section 47-9.1 provided the uses conform to the area, bulk and other district regulations in which the uses are typically located;

(B) Those uses allowed as special uses under Section 47-10.3. *,**

* Ord. #11215; 7/16/96

** Ord. #13051; Revised 1/17/01

(C) Temporary employment agencies, meaning any person, firm, association, corporation, partnership, or other entity engaged for gain or profit in the business of securing or attempting to secure employment of a temporary or finite duration for persons seeking employment, but shall not include the activities or facilities of a bona fide labor organization engaged in the referral of employment to its membership. ***

*** Ord. #13338; 10/16/01

47-11.3 REQUIRED CONDITIONS:

(1) All business, services or processing shall be conducted wholly within a completely enclosed building; except the sale of automotive fuel, lubricants and other fluids at automobile service stations and except for off-street automobile parking and off-street loading.

(2) All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.

(3) Goods for sale shall consist primarily of new merchandise.

(4) Processes and equipment employed in goods processed and sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, or water-carried waste.

47-11.4 PROHIBITED USES:

All uses not expressly permitted as of right by Section 47-11.1 or as a permitted accessory use under Section 47-11.2 or pursuant to a special use permit under Section 47-11.2A are prohibited in B-1 zoning districts. *, **

* Ord. #11215; 7/16/96

** Ord. #13051; Revised 1/17/01

47-11.5 REQUIRED YARDS:

In a neighborhood business district, the following minimum yard areas shall be provided.

(1) Front Yards: No front yard shall be required except:

(a) When the frontage on one side of a block is divided between a neighborhood business district and a residential district, the front yard requirement of the residential district shall apply to the area in the neighborhood business district.

(b) Clinics, hospitals, sanitariums, and convalescent homes shall have a minimum front yard of twenty-five (25) feet.

(2) Side Yards: Side yards shall not be required excepting:

(a) A yard not less than 6 feet in width shall be provided where a side lot line of a neighborhood business district abuts a residential district.

(b) A side yard of not less than twenty (20) feet in width on each side shall be provided in the case of a clinic, hospital, sanitarium or convalescent home.

(c) In all other cases, no side yard shall be required for a business but if such a yard is voluntarily provided, it shall be not less than 6 feet in width.

(3) Rear Yards: Rear yards shall not be required excepting where a rear lot line of a neighborhood business district abuts a residential district. In such instance, there shall be a rear yard of twenty-five (25) feet for a one or two story building; such yard may be measured from the center line of an intervening alley. An additional one foot of rear yard shall be provided for each two feet of height over twenty-five (25) feet. A wall or decorative fence at least 5'6" high shall be placed along the boundary line of a rear yard abutting a residential district.

47-11.6 BUILDING HEIGHT REQUIREMENTS:

Maximum permitted height for buildings in this District shall be thirty (30) feet.

47-11.7 ACCESSORY PARKING:

In a neighborhood business district parking shall be provided as required in Section 47-17.17 of this Ordinance.

47-11.8 OFF-STREET LOADING:

Spaces shall be provided as required in Section 47-17.16.

47-11.9 SIGN REGULATIONS:

See Section 47-17.21 for size and location of permitted signs.

47-11.10 SCREENING:

See Section 47-17.18 for screening regulations for uses adjoining residential districts.

SECTION 47-12 B-2 CENTRAL BUSINESS DISTRICT:

This District is designed to provide for a restricted variety of retail stores and related activities and for office buildings and service establishments which will occupy the prime retail frontage in the Central Business District, and which serve the comparison, convenience and service needs of a consumer population well beyond the corporate boundaries of the City. The District regulations are also designed to provide for a centrally located major shopping complex which will be serviced with conveniently located off-street parking compounds and safe pedestrian movement, but to exclude non-retail uses which generate a large volume of truck traffic.

47-12.1 PERMITTED USES:

(1) Any generally recognized retail business service establishments or processing uses as follows:

(a) Convenience group:

- (1) Food stores including supermarkets and all types of specialty food stores, such as bakeries, candy stores, and similar uses.
- (2) Drug stores.
- (3) Hardware and related stores as paint, wallpaper and similar uses.

(b) Comparison group:

- (1) Department stores.
- (2) Eating and drinking - restaurants or other places serving food and/or beverage.
- (3) Apparel shops including specialty shops of all sorts, shoe stores, and similar uses.
- (4) Furniture and appliances, including rugs, floor coverings, drapery, sewing machine shops, used furniture, office supplies and similar uses.
- (5) Variety stores.
- (6) Gift shops, camera shops, record shops and similar uses.

(c) Service facilities group:

- (1) Service shops as barber, beauty, laundry, cleaner and similar uses.
- (2) Commercial recreation facilities, such as bowling alleys and movie theaters.
- (3) Minor repair shops, such as shoe and watch repair.

- (4) Banks, loan offices, stock exchange office and other financial institutions.
- (5) Hotels and motels.
- (6) Travel agencies.

(d) Miscellaneous group:

Professional and other offices drawing a large number of clients and/or customers, such as but not restricted to:

- (1) Doctors, dentists, lawyers, and architects.
- (2) Insurance, realtors, and unions.
- (3) Post Office.
- (4) Utility office.
- (5) Chamber of Commerce and automobile clubs.

(e) Automotive group:

- (1) Sale of new automobiles, provided service access be available from side street or alley.
- (2) Shops selling automobile parts and accessories exclusively.

(2) Public and semi-public buildings such as, but not restricted to:

- (a) Churches
- (b) Municipal Offices
- (c) Library
- (d) Fraternal organizations

(3) Other uses, which in the opinion of the Board of Appeals are similar to the above uses indicated as being permitted, which in their opinion shall have the following characteristics:

- (a) Benefit from a central location and are appropriate in the Central Business District.
- (b) Do not create any significant objectionable influences.
- (c) Involve products characterized by a high ratio of value to bulk, so that truck traffic is kept to a minimum.

(4) Off-street parking facilities should be according to the provisions of Section 47-17.17.

47-12.2 ACCESSORY USES:

Accessory structures and uses customarily incidental to the above permitted uses.

47-12.2A SPECIAL USES:

The following uses may be allowed as special uses by the Mayor and City Council, with the advice of the Board of Appeals, in accordance with Section 47-5.2:

- (A) Those uses permitted as of right pursuant to Section 47-9.1, provided the uses conform to the area, bulk and other district regulations in which the uses are typically located;

(B) Those uses allowed as special uses under Section 47-10.3. *

* Ord. #13051; Revised 1/17/01

47-12.3 REQUIRED YARDS:

In a Central Business District zone, the following yard areas shall be provided:

(a) Front yards: No front yard shall be required, except where the frontage on one side of a block is divided between a Central Business District and a residential district, the front yard requirement of the residential zone shall apply to the area in the Central Business District.

(b) Side yards: Side yards shall not be required excepting:

(1) A yard not less than six (6) feet in width shall be required where a side lot line of Central Business District abuts a residential district. An additional foot of yard space shall be added for each additional two (2) feet of building height above twenty-five (25) feet.

(2) In all other cases no side yard shall be required for a business but if such a yard is voluntarily provided, it shall be not less than six (6) feet in width.

(c) Rear yards: Rear yards shall not be required excepting: where a rear lot line of a Central Business District abuts a residential district, there shall be a rear yard of twenty-five (25) feet for one or two-story buildings. An additional one foot of rear yard shall be provided for each two feet of building height over twenty-five feet, such yard may be measured from the center line of an intervening alley. Where there is no alley, a wall or decorative fence at least 5'6" high shall be placed along the boundary line of a rear yard abutting a residential district.

47-12.4 BUILDING HEIGHT AND BULK REGULATION:

(1) Building Height: There shall be no specific height limitation in a B-2 District; provided, however, that prior to the issuance of a building permit for any structure which is planned to exceed thirty-five (35) feet in height, the Building Inspector shall make a finding that any such excessive height will not be detrimental to the light, air or privacy of any other structure or use currently existing or approved for construction. In approving a height in excess of thirty-five (35) feet, the Building Inspector shall follow the standards set forth below in the Floor Area Ratio.

(2) Floor area ratio:

(a) The floor area ratio shall be used in determining area of building, lot coverage and yard requirements. All enlargements or new construction shall be undertaken with respect to the established building line.

(b) In the B-2 District, the maximum floor area ratio for a zoning lot shall not exceed 7.0 except that in the instance of the Automotive Group, and it shall not exceed 1.0.

(c) For each square foot of front or side plaza provided on a zoning lot, the total floor area permitted by the floor area ratio set forth above may be increased by seven (7) square feet.

47-12.5 ACCESSORY PARKING:

Parking space as an accessory use shall not be required in the B-2 Central Business District, except as noted in Section 47-12.1 (5).

47-12.6 OFF-STREET LOADING:

Space shall be provided in accordance with the provisions of Section 47-17.16.

47-12.7 SIGNS:

See Section 47-17.21 for size and location of permitted signs.

47-12.8 SCREENING:

See Section 47-17.18 for screening regulations for uses adjoining residential districts.

47-12.9 PROHIBITED USES:

All uses not expressly permitted as of right by Section 47-12.1 or as a permitted accessory use under Section 47-12.2 or pursuant to a special use permit under Section 47-12.2A are prohibited in B-2 zoning districts including, but not limited to, the following:

- (A) Any commercial or manufacturing use which may become noxious or offensive in a B-2 Central Business District.
- (B) Any use which offers curb service to the public or sells or offers for sale any goods, merchandise or services to persons on any public street, sidewalk or alley.
- (C) Storage outside of a completely enclosed building of any used or second-hand goods, materials, tools, supplies or equipment not clearly incidental to a principal permitted use of the property for a period in excess of thirty (30) days. *, **

* Ord. #11215; 7/16/96

SECTION 47-13 B-3 GENERAL BUSINESS DISTRICT:

The purpose of this District is to provide for certain commercial, wholesale and light industrial uses that are transportation oriented. Proximity to high capacity transportation ways combined with fairly level sites are important. These permitted uses are not usually reliant on neighborhood convenience, but tend to be region serving.

47-13.1 PERMITTED PRINCIPAL USES:

No land shall be used or occupied and no building or structure shall be designed, erected, enlarged, occupied or used other than for one of the following uses:

(a) Those uses permitted as of right pursuant to Section 47-7.1, Section 47-10.1, Section 47-11.1 and Section 47-12.1, provided the uses conform to the area, bulk or other district regulations in which the uses are typically located;

(b) The following uses, provided no part of a building occupied by such uses shall have any openings other than stationary windows or required fire exits within one hundred (100) feet of any single family or one and two family residential zoning districts:

(1) Animal hospital, veterinary clinic or kennel.

(2) Bowling alley, pool hall or billiard parlor, dance hall, bar or cocktail lounge, night club, microbrewery, brew pub, and similar enterprises.

(3) Carpenter shop, electrical, heating, ventilating, sheet metal or plumbing shop, furniture upholstery shop, printing, publishing, engraving or lithographing plant, laundry and dry cleaning shop, sign painting shop, canvas tenting and awning repair and assembly shop and similar establishments.

(4) Laundries, clothes cleaning or dyeing establishments;

(c) Automobile service stations and mini-marts, subject to the provisions of Section 47-17.26;

(d) SEE SECTION 47-13.2A(g). *

* Ordinance No. 12154; 12/15/98

(e) Outdoor advertising signs, subject to the variation and other provisions of Section 47-17.21;

(f) Bottling of soft drinks or milk, or distribution stations, provided no part of a building where bottling is done shall have any openings other than stationary windows or required fire exits within three-hundred (300) feet of any residential zoning district;

(g) Building material sales yards, if enclosed on all sides by a solid wall or fence not less than six (6) feet in height;

(h) Unlighted baseball field, bathhouse, or boathouse, golf driving range, skating rink, swimming pool, or similar unlighted open air recreational uses and facilities, but not within two-hundred (200) feet of any single family or one and two family residential zoning district. Pedestrian lighting and security lighting shall not be considered "lighting" for the purpose of this provision;

(i) Commercial greenhouses, including accessory outdoor sales of seasonal stock in trade, but only if such items are sold and stored more than one hundred (100) feet from a residential zoning district;

(j) Commercial parking lots, subject to the provisions of Section 47-17.17;

(k) Motels or motor hotels, subject to the provisions of Section 47-17.17;

(l) Theaters, including outdoor theaters, provided the latter are at a distance of at least two-hundred (200) feet from any public right-of-way and four-hundred (400) feet from any residential zoning district;

(m) Wholesale business; *

* Ord. #12745; 4/18/00

(n) Any other use of the same general character as the foregoing permitted uses, but not including any use which may become noxious or offensive in a B-3 District. **

** Ord. #11215; 7/16/96

47-13.2 PERMITTED ACCESSORY USES:

Accessory uses customarily incidental to a permitted principal use.

47-13.2A SPECIAL USES:

The following uses may be allowed as special uses by the Mayor and City Council, with the advice of the Board of Appeals, in accordance with Section 47-5.2:

(A) Those uses permitted as of right pursuant to Section 47-9.1, provided the uses conform to the area, bulk and other district regulations in which the uses are typically located;

(B) Those uses allowed as special uses under Section 10.3;

(C) Telephone, television, radio and other wireless broadcasting stations or studios, and receiving and transmitting towers, provided such towers are at least one hundred (100) feet from any residential zoning district;

(D) Lighted baseball fields, bathhouse or boathouse, golf driving range, skating rink, swimming pool or similar lighted open air recreational uses and facilities, but not within four hundred (400) feet of any single family or one and two family residential zoning district;

(E) Carting, express, hauling establishments, but not within three hundred (300) feet of a residential or restricted business zoning district. *

(F) Automatic or manual car washing establishments, but not within one hundred (100) feet of a residential zoning district. **

* Ord. #11215; 7/16/96

** Ord. #11507; 6/17/97

(G) Automobile, truck, trailer, motorcycle, recreational vehicle, boat, or farm implement establishments for display, hire, sales and minor repair, including outdoor sales lots, provided no part of a building where repairs are conducted shall have any openings other than permanently sealed windows or required fire exits within one-hundred (100) feet of any residential zoning district. ***

*** Ord. #12154; 12/15/98

(H) Tattoo shops, massage parlors. ****

**** Ord. #12563; 12/7/99

(I) Mini-warehouses, indoor storage facilities. *****

(J) Resale shops, other businesses principally engaged in the retail sale of previously owned goods and merchandise. *****

***** Ord. 12745; 4/18/00

(K) Pawn shops and consumer installment licensees (“payday” loan stores). *****

***** Ord. 12899; 9/19/00

(L) Travel-trailer parks/campgrounds and RV parks may be established and maintained in this district as a special use in accordance with the following regulations:

1. Location and access: No travel-trailer park shall be located except with direct access to a major arterial or state highway, and with appropriate frontage thereon to permit appropriate design of entrances and exits. No entrance or exit from a travel-trailer park shall be permitted through a residential district, nor require movement of traffic from the park through a residential district.

2. Spaces for occupancy-uses permitted and length of stay: Spaces in travel-trailer parks may be used by travel-trailers, equivalent facilities constructed in or on automotive vehicles, tents, or other short-term housing or shelter arrangements or devices. Spaces shall be rented by the day only, and occupant of such space shall remain in the same trailer park not more than seven (7) days.

3. Accessory Uses: Management headquarters, recreational facilities, coin-operated laundry facilities and other uses and structures customarily incidental to operation of a travel-trailer park are permitted as accessory uses in any district in which trailer parks are permitted. In addition, stores, restaurants, beauty parlors, barber shops, and other convenience establishments shall be permitted as accessory uses in trailer parks in districts where such uses are not permitted as accessory uses, subject to the following restrictions:

a. Such establishments and the parking areas primarily related to their operations shall not occupy more than 10 percent of the area of the park.

b. Such establishments shall be restricted in their use to occupants of the park.

c. Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.

4. Toilets, showers, and other essential plumbing fixtures shall conform to the Illinois State Plumbing Code and the Illinois Department of Public Health's Rules and Regulations for Recreational Areas.

5. Site planning and required improvements, general objectives: Site planning and improvements shall provide for:

a. Facilities and amenities appropriate to the needs of the occupants.

b. Safe, comfortable, convenient, and sanitary use by occupants under all weather conditions to be expected during periods of occupancy.

c. Protection of occupants from adverse environmental influences, and where appropriate, protection of the neighborhood from adverse influences within the park.

6. Relation of spaces to exterior streets: In addition to yard requirements applying generally within districts, the following limitations shall apply with respect to travel-trailer parks. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within 50 feet of the right-of-way line of any major or minor arterial street, or within 25 feet of the right-of-way line of any collector or local street as shown on the Official Street Classification Map.

7. Design of access to park: Entrances and exits to travel-trailer parks shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into and out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the street within (1) 100 feet where the speed limit is less than 45 m.p.h. or (2)

150 feet where the speed limit is 45 m.p.h. or more, of any portion of the approach-lane of the accessway within 25 feet of its intersection with the right-hand lane of the street.

8. Off-street parking, loading, and maneuvering space: In connection with use of any travel-trailer park, no parking, loading, or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, or right-of-way, or any public grounds, or on any private grounds not part of the trailer park unless the owner has received written permission for such use. Each trailer park shall provide off-street parking, loading, and maneuvering space located and scaled so that the prohibitions above may be observed, and park owners shall be held responsible for violations of these requirements.

9. Sign Control. Signs shall be erected and maintained in conformance with Section 47-17.21 of the Zoning Ordinance of the City of Joliet.

10. External yard requirements: A fifty (50) foot setback with protective screening or fencing shall be required on property boundaries adjacent to a public right-of-way. Those property boundaries adjoining private property shall require a setback of twenty-five (25) feet with protective fencing. *

*ORDINANCE #13051; REVISED 1/17/01

47-13.3 SPECIAL USES:

Travel-trailer parks/campgrounds may be established and maintained in this district as a special use in accordance with the following regulations:

(a) Location and access: No travel-trailer park shall be located except with direct access to a major arterial or state highway, and with appropriate frontage thereon to permit appropriate design of entrances and exits. No entrance or exit from a travel-trailer park shall be permitted through a residential district, nor require movement of traffic from the park through a residential district.

(b) Spaces for occupancy-uses permitted and length of stay: Spaces in travel-trailer parks may be used by travel-trailers, equivalent facilities constructed in or on automotive vehicles, tents, or other short-term housing or shelter arrangements or devices. Spaces shall be rented by the day only, and occupant of such space shall remain in the same trailer park not more than seven (7) days.

(c) Accessory Uses: Management headquarters, recreational facilities, coin-operated laundry facilities and other uses and structures customarily incidental to operation of a travel-trailer park are permitted as accessory uses in any district in which trailer parks are permitted. In addition, stores, restaurants, beauty parlors, barber shops, and other convenience establishments shall be permitted as accessory uses in trailer parks in districts where such uses are not permitted as accessory uses, subject to the following restrictions:

(1) Such establishments and the parking areas primarily related to their operations shall not occupy more than 10 percent of the area of the park.

(2) Such establishments shall be restricted in their use to occupants of the park.

(3) Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.

(d) Toilets, showers, and other essential plumbing fixtures shall conform to Table 7.21.2 of the Illinois State Plumbing Code and the Illinois Department of Public Health's Rules and Regulations for Recreational Areas," 4.104.

(e) Site planning and required improvements, general objectives: Site planning and improvements shall provide for:

(1) Facilities and amenities appropriate to the needs of the occupants.

(2) Safe, comfortable, convenient, and sanitary use by occupants under all weather conditions to be expected during periods of occupancy.

(3) Protection of occupants from adverse environmental influences, and where appropriate, protection of the neighborhood from adverse influences within the park.

(f) Relation of spaces to exterior streets: In addition to yard requirements applying generally within districts, the following limitations shall apply with respect to travel-trailer parks. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within 50 feet of the right-of-way line of any major or minor arterial street, or within 25 feet of the right-of-way line of any collector or local street as shown on the Official Street Classification Map.

(g) Design of access to park: Entrances and exits to travel-trailer parks shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into and out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the street within (1) 100 feet where the speed limit is less than 45 m.p.h. or (2) 150 feet where the speed limit is 45 m.p.h. or more, of any portion of the approach-lane of the accessway within 25 feet of its intersection with the right-hand lane of the street.

(h) Off-street parking, loading, and maneuvering space: In connection with use of any travel-trailer park, no parking, loading, or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, or right-of-way, or any public grounds, or on any private grounds not part of the trailer park unless the owner has received written permission for such use. Each trailer park shall provide off-street parking, loading, and maneuvering space located and scaled so that the prohibitions above may be observed, and park owners shall be held responsible for violations of these requirements.

(i) Sign Control. Signs shall be erected and maintained in conformance with Section 47-17.21 of the Revised Zoning Ordinance of the City of Joliet (No. 5285, adopted December 5, 1968 as amended).

(j) External yard requirements: A fifty (50) foot setback with protective screening or fencing shall be required on property boundaries adjacent to a public right-of-way. Those property boundaries adjoining private property shall require a setback of twenty-five (25) feet with protective fencing.

47-13.4 REQUIRED YARDS:

In a General Business District, the following yard areas shall be provided:

(a) Front Yards: No front yard shall be required excepting: Where the frontage on one side of the block is divided between B-3 (General Business District) and a residential district, the front yard requirements of the residential district shall apply to the area in the General Business District.

(b) Side yards: Side yards shall not be required excepting:

(1) A yard not less than six (6) feet in width shall be provided where a side lot line of a General Business District abuts a residential zone.

(2) In all other causes no side yard shall be required for a business but if such a yard is voluntarily provided, it shall be not less than six (6) feet in width.

(c) Rear yards: Rear yards shall not be required excepting where a rear lot line of a General Business District abuts a residential zone. There shall be provided a rear yard of twenty-five (25) feet for a one or two story building. An additional one foot of rear yard shall be provided for each two feet of height over twenty-five (25) feet, such yard may be measured from the center line of an intervening alley.

47-13.5 BUILDING HEIGHT REGULATIONS:

No building in this District shall exceed three (3) stories or 50 feet in height.

47-13.6 ACCESSORY PARKING:

Space shall be provided in accordance with the provisions of Section 47-17.17.

47-13.7 OFF-STREET LOADING:

Space shall be provided in accordance with the provision of Section 47-17.16.

47-13.8 SIGNS:

See Section 47-17.21 for size and location of permitted signs.

47-13.9 SCREENING:

See Section 47-17.18 for screening regulations for uses adjoining residential districts.

47-13.10 PROHIBITED USES:

All uses not expressly permitted as of right by Section 47-13.1 or as a permitted accessory use under Section 47-13.2 or pursuant to Section 47-13.2A are prohibited in B-3 zoning district. *

* Ord. #11215; 7/16/96

SECTION 47-14 INDUSTRIAL DISTRICTS:

The purpose of this section is two-fold. First, its intent is to establish districts suitable for industrial development by reason of size, location, topography, soil conditions, and the availability of adequate utilities and transportation systems. To preserve such districts for the orderly development of industry and allied uses, this section prohibits the intrusion of residential and incompatible business uses into industrial districts. The second intent is to assure that industrial activities are located and operated so as to minimize any negative external effects that such uses may have on the community. To achieve this end, criteria and procedures are included for factually determining the magnitude of external effects.

The critical importance of industry to the economic well-being of the City and its residents is duly recognized. Accordingly, the intent herein is to preserve land areas of sufficient size and suitability for all types of industrial development, while providing the widest range of locational opportunities to industries whose performance enables them to mitigate undesirable external effects.

By basing eligibility to locate in more restrictive industrial districts on performance rather than on use alone, individual industrial firms will be protected against prejudicial and summary exclusion from these districts on the basis of the nuisance production traditionally associated with the broader industrial sector to which the firm belongs.

Provisions pertaining to the use of land within industrial districts shall apply only to those operations and features of the use which occur on a regular basis. Nuisances which cause only occasional and infrequent annoyances or discomfort, which do not cause actual injury to persons or damage to property, and which occur not more than once per day and for durations of not more than fifteen (15) minutes, as well as any annoyances associated with temporary construction activities, shall be exempt from the performance requirements of this section. However, such exemptions shall be permitted only when great practical difficulty would be encountered in attempting to fully comply with these regulations. In all cases, good faith efforts shall be made to comply with these regulations.

47-14.1 CLASSES OF INDUSTRIAL DISTRICTS:

(A) I-1 Light Industrial District: This district permits those industrial uses not otherwise required to have a special use permit, with limited objectionable external effects. The purpose of this district is to permit manufacturing, wholesaling, and warehousing activities that can be operated in a clean and quiet manner, subject only to those regulations necessary to prohibit congestion and to protect adjacent residential and business activities.

(B) I-2 General Industrial District: This district permits those uses not otherwise required to have a special use permit, that by virtue of external effects such as smoke, odor, dust, unrefined appearance, truck and/or rail traffic are incompatible with residential uses.

(C) I-3 Heavy Industrial District: This district permits all industrial uses not otherwise required to have a special use permit including those which may have significant adverse spillover effects. Due to their heavy or intensive nature, and potential for serious incompatibility with surrounding residential and certain business activities, uses in I-3 districts should be isolated from residential and neighborhood business (B-1) districts. The following provisions apply to all Industrial Districts unless otherwise noted: *

*ORDINANCE #13051; REVISED 1/17/01

47-14.2 PERMITTED ACCESSORY USES:

Accessory uses customarily incidental to a permitted principal use, provided such uses are under the same ownership and located on the same parcel as the principal use.

47-14.2A SPECIAL USES - ALL INDUSTRIAL DISTRICTS

The following uses may be allowed as special uses by the Mayor and City Council, with the advice of the Board of Appeals, in accordance with Section 47-5.2:

(A) Those uses allowed as special uses under Section 10.3;

(B) Telephone, television, radio and other wireless transmitting or broadcasting stations or studios, and receiving and transmitting towers, provided such towers are at least one hundred (100) feet from any residential zoning district and adequate bond is provided in favor of the City of Joliet for the removal of such towers;

(C) Lighted baseball fields, bathhouse or boathouse, golf driving range, skating rink, swimming pool or similar lighted open air recreational uses and facilities, but not within four hundred (400) feet of any single family or one or two family residential zoning district;

(D) Carting, express, hauling establishments, but not within three hundred (300) feet of a residential zoning district;

(E) Automatic or manual car washing establishments, but not within one hundred (100) feet of a residential zoning district. *

* Ordinance No. 11507; 6/17/97

(F) Junk yards, scrap yards, salvage yards and the outdoor storage or sale of damaged and inoperable motor vehicles or parts thereof. **

** Ordinance No. 12641; 1/19/00

(G) Mini-warehouses, indoor storage facilities. ***

*** Ord. # 12745; 4/18/00

(H) Pawn shops and consumer installment licenses (“payday” loan stores). ****

**** Ord. #12899; 9/19/00

(I) Tattoo shops, massage parlors and sexually oriented businesses subject to the requirements of Section 47-15C of the Zoning Ordinance. A sexually oriented business shall not be a permitted principal or accessory use in any zoning district.*****

*****Ord. #13051; Revised 1/17/01

47-14.3 PROHIBITED USES--ALL INDUSTRIAL DISTRICTS, EXCEPT AS NOTED:

All uses not expressly permitted as of right by Section 47-14.1, or as a permitted accessory use under Section 47-14.2, or pursuant to a special use permit under Sections 47-14.2A and 47-14.7, except as may be expressly noted in this section, are prohibited. The following activities or uses of land are prohibited in all industrial zoning districts, except as otherwise herein provided.

(A) A residence is prohibited, except a watchman or caretaker may reside on the premises.

(B) Schools, hospitals, clinics, and other institutions of human care are prohibited.

(C) R-B uses, hotels, motor hotels, motels, and neighborhood business (B-1) uses are prohibited, except in the I-1 District as special uses when authorized by two-thirds majority of the Board of Appeals. Conditional approvals of such uses in the I-1 District shall be granted only when such uses will not be adversely affected by their location within industrial districts and only when such uses will not interfere with the orderly and economic development of the remaining portions of the industrial district.

(D) B-3 uses are prohibited, except in an I-1 District and except as special uses in an I-2 District when authorized by two-thirds majority vote of the Mayor and City Council and subject to the same conditions specified in 47-14.3(3) above.

(E) The use of land or a structure by a sexually oriented business to engage in acts of public indecency as defined in Section 21-64 of the Code of Ordinances. *

*Ordinance #13051; Revised 1/17/01

47-14.4 REQUIRED YARDS:

Except as hereinafter stated and except where an industrial district is adjacent to or across a street or utility right-of-way from a residential, R-B, B-1, or B-2 district, no minimum front, side, or rear yard shall be required. When adjacent to or across a street or utility right-of-way from residential, R-B, B-1, or B-2 districts, minimum front, side and rear yards shall be fifteen (15) feet.

47-14.5 BUILDING HEIGHT REGULATIONS--ALL INDUSTRIAL DISTRICTS:

The maximum height of any point of any building shall not exceed the horizontal distance that said point is set back from the nearest residential, R-B, or B-1 district, or one-hundred twenty (120) feet, whichever is less.

47-14.6 ACCESSORY PARKING:

Parking shall be provided as required in Section 47-17.17.

47-14.7 OFF-STREET LOADING:

Space shall be provided in accordance with provisions of Section 47-17.17.

47-14.8 SIGNS:

All types of signs -- Wall, roof, projecting or ground -- shall be permitted on any part of a building or yard in all industrial districts provided that they are consistent with the following regulations:

- (1) Scope of Regulations: Same as Section 47-17.21 (1).
- (2) Exempted Signs: Same as Section 47-17.21 (2).
- (3) Sign Coverage: Maximum total sign coverage for all sign faces on a building shall be fifty (50) square feet plus one square foot for every foot of building width over fifty (50) feet which faces a public street.

47-14.9 SCREENING:

(1) Appropriate screening shall be installed along any property line of any industrial use which abuts or is across a street or utility right-of-way from a residential, R-B, B-1, or B-2 district.

(2) Screening considered appropriate shall include, as a minimum, one of the following or combinations of two or more.

- (a) Solid, decorative wall of masonry, wood, or other suitable construction.
- (b) Dense evergreen planting not less than fifteen (15) feet in depth.
- (c) Earthen berm, landscaped with grass, ground cover, shrubs, trees, or combinations thereof.
- (d) Any other similarly suitable year-round visual and noise barrier.

(3) Notwithstanding the provisions of Section 47-17.6 (Heights of Fences), the height of required screening in industrial districts shall be as follows:

(a) (1) for outdoor storage areas in I-1 Districts between six (6) and twelve (12) feet);

(2) for outdoor manufacturing, processing or storage areas in I-2 and I-3 Districts between five and one-half (5 1/2) and twelve (12) feet.

(b) for other industrial uses between five (5) feet six (6) inches and twelve (12) feet;

(c) no screening shall be located in the driveway and street intersection areas described in Section 47-17.6(4).

47-14.10 OUTDOOR MANUFACTURING AND STORAGE:

(1) Outdoor manufacturing and industrial processing are not permitted uses in an I-1 district. Outdoor manufacturing and industrial processing are permitted uses in an I-2 and I-3 District when performed in accordance with the standards provided in this Chapter.

(2) Outdoor storage shall be a permitted use in an I-2 and I-3 District when performed in accordance with all applicable limitations provided in this Chapter.

(3) Outdoor storage shall be a permitted use in an I-1 District only when performed in accordance with the following conditions:

(a) the materials stored shall be limited to wholesale products and materials, manufactured goods, non-hazardous bulk materials, and operable vehicles, including trucks and heavy equipment; and,

(b) the materials shall be stored and maintained in an orderly manner and in a manner which does not impede access for fire-fighting equipment; bulk materials shall be

contained and stored in a manner which retards the creation of dust in order to prevent any adverse impact on surrounding properties.

(c) any area utilized for outdoor storage shall be visually screened around its entire perimeter from adjoining properties in accordance with the provisions of Sections 47-14.9(2) and (3) of this Chapter. All screening shall be secured to prevent intrusion.

(d) the height of any materials or equipment stored shall not exceed the height of the screening fronting any residential, R-B, B-1, B-2, B-3 district or any public street right-of-way, except where the height of the screening is twelve (12) feet, then, commencing at a line located parallel to and twelve (12) feet behind the screening, the height of the materials or equipment may exceed the height of the screening by one foot for each foot back from said line up to a maximum of thirty (30) feet in height. Beyond thirty (30) feet from any screening, the materials and equipment stored shall not exceed a height of thirty (30) feet.

(4) The following types of outdoor storage are prohibited uses in an I-1 district:

- (a) storage of any hazardous waste materials;
- (b) sanitary landfills or any other storage of garbage, trash, refuse, by waste material;
- (c) storage of any salvage or scrap materials;
- (d) storage of any cargo containers.

(5) Outdoor use or storage of cargo containers may be allowed as a special use in an I-2 and I-3 District by the Mayor and City Council, with the advice of the Board of Appeals, in accordance with Section 47-5.2.

Ord. #14831; 9/7/04

47-14.11 GLARE:

The quantity of illumination falling outside of an industrial district and the quantity of luminance of lighting visible from neighboring properties shall not be of such magnitude as to cause hazards, annoyance, or interference to the users and uses of neighboring properties.

(1) The maximum illumination on adjacent or nearby residential and R-B districts without the property owner's consent, shall not exceed 0.5 horizontal footcandles measured at the property line.

(2) If the luminance of a luminaire, except a flood light, exceeds 2500 footlamberts, is visible from adjacent or nearby residential or R-B district, and is cause for complaint, it shall be shielded with visors, plantings, or other suitable means. Flood lights with luminance greater than 2500 footlamberts shall be aimed to provide a shielding angle of not less than thirty (30) degrees.

47-14.12 NOISE:

The operation of any industrial use shall not create or cause to be created noise in excess of the maximum sound levels permitted by the applicable Illinois Pollution Board Rules and Regulations for Noise Pollution.

47-14.13 VIBRATION:

The operation of any industrial use shall not cause or cause to be created earthborne vibrations which are a hazard, annoyance, or interference with the use or users of neighboring properties.

(1) **Steady State Vibrations:** Steady state vibrations are vibrations which are continuous or vibrations which occur in discrete impulses more frequently than sixty (60) per minute. Such vibrations from industrial uses shall not exceed a maximum peak particle velocity of 0.02 in adjacent or nearby residential and R-B districts, 0.05 in adjacent or nearby business districts, and 0.10 in adjacent or nearby I-1 districts or uses.

(2) **Impact Vibrations:** Impact vibrations are vibrations which occur in discrete impulses which do not exceed sixty (60) per minute. Such vibrations from industrial uses shall not exceed a maximum peak particle velocity of 0.04 in adjacent or nearby residential or R-B districts, 0.10 in adjacent or nearby business districts, and 0.20 in adjacent or nearby I-1 districts.

47-14.14 AIR QUALITY:

The operation of any industrial use shall not create or cause to be created a degradation of air quality which is injurious to human life or welfare.

(1) **Illinois EPA Primary Standards:** Emissions of particulate matter, smoke, and other atmospheric pollutants, except odor, from uses located in I-2 and I-3 districts shall not exceed the primary air quality standards promulgated by the State of Illinois Environmental Protection Agency.

(2) **Illinois EPA Secondary Standards:** Emissions of particulate matter, smoke, and other atmospheric pollutants, except odor, from uses located in I-1 districts shall not exceed the secondary air quality standards promulgated by the State of Illinois Environmental Protection Agency.

(3) **Odors:**

(a) Uses causing odors which are discernible beyond the property line and the source or sources of which are from inedible rendering processes or which are from the processing of any liquid, solid, or gaseous substance for purposes other than human food consumption shall be permitted in I-3 districts, only. Such odors shall not exceed the maximum odor concentration permitted by the State of Illinois Environmental Protection Agency for inedible rendering processes.

(b) Uses causing odors which are discernible beyond the property line of any industrial use and the source or sources of which are from substances used exclusively in the production of food for human consumption shall be permitted in I-2 and I-3 districts, only. Such odors shall not exceed the maximum odor concentration permitted by the State of Illinois Environmental Protection Agency for inedible rendering processes.

(c) Uses causing odors of any kind and from any source shall be permitted in all districts, including I-1 districts, provided that such odors are not discernible beyond the property line.

(4) Heat: Any industrial operation or activity producing intense heat shall be performed within a completely enclosed building or in such a manner as to not create a nuisance or hazard extending across property lines.

47-14.15 FIRE AND EXPLOSIVE HAZARDS:

All uses involving the storage, use, or manufacture of flammable or explosive substances shall comply with the regulations of the State of Illinois Department of Public Safety and with the requirements of the City of Joliet Fire Prevention Code.

47-14.16 ENFORCEMENT:

(1) Initial Fact Finding and Investigation: The City of Joliet Chief Building Inspector shall be responsible for investigating any purported violations of performance standards. If the reason for investigation is a written public complaint from Joliet City resident(s), the Chief Building Inspector shall notify said complainants of his findings not less than sixty (60) days after the receipt or post-marked date of the complaint, or sooner if possible danger or hazard warrants.

(2) Notice to Comply: If, upon completion of the investigation, the Chief Building Inspector finds reasonable grounds for the existence or occurrence of purported violation(s), prompt notice shall be given to the party(ies) responsible to abate said violation(s). The Chief Building Inspector may require modifications or alterations to the existing or proposed use to ensure compliance with these regulations. The party(ies) shall be given a reasonable length of time to affect such prescribed changes.

(3) Optional Administrative Appeal Upon Objection to Findings: If, within fifteen (15) days after receiving notice of finding(s) of violation(s) and directives to abate the violation(s) so found, the party(ies) responsible objects to and questions the validity of the Chief Building Inspector's finding(s), said party(ies) may appeal said finding(s) administratively. In such a case, third-party experts shall be consulted. Such experts shall be fully qualified to provide the required information. The selection of experts shall be of persons or organizations mutually-agreeable to both party(ies) responsible and to the Chief Building Inspector; and, if no mutuality of agreement can be reached, the Zoning Board of Appeals shall select the experts to be consulted. The services of any qualified experts, employed to advise in the determination of possible violations, shall be paid by the violator if said violation(s) is(are) established, otherwise by the City. In selecting this avenue of appeal, the party(ies) responsible for the purported violation(s) and

the city shall agree to abide by the findings of the expert consultant(s). Said findings shall be final without further recourse or appeal by either the city or the party(ies) responsible.

47-14.17 SPECIAL USES:

(1) Permitted Special Use: The treatment, storage or disposal of hazardous waste as a primary business activity is permitted only as a special use in either an I-3 (Heavy Industrial) or I-2 (General Industrial) District and is a prohibited use in all other districts.

(2) Hazardous Waste Defined: Hazardous waste is any substance or material defined as a hazardous waste by either the U.S. Environmental Protection Agency (USEPA) or the Illinois Environmental Protection Agency (IEPA). Copies of the applicable definitions will be available for inspection at the Office of the City Clerk of the City of Joliet.

(3) Application and Filing Fee: Application forms for special use approval may be obtained from the Office of the Director of Community Development and shall be completed by the applicant and filed with the Plan Commission. A complete application for special use approval must include--in addition to the completed application forms--a copy of all permit applications required by the USEPA or the IEPA to develop and operate the proposed special use, a site development plan of the proposed special use, and a filing fee. The site development plan must show the location of the proposed site and all existing uses within 500 feet thereof; existing topography and proposed grading; the size and location of all proposed buildings, structures, and other site improvements; the location of all proposed driveways, loading and unloading areas, and curb cuts; proposed utility systems and connections; and any other features required to clearly illustrate the nature of the proposed special use.

(4) Notice and Hearing: The Plan Commission shall within forty-five (45) days of its receipt of a complete application hold a public hearing on the proposed special use. Notice of the public hearing shall be published in a newspaper of general circulation in the City of Joliet at least fifteen (15) days but not more than thirty (30) days before the date of the hearing. The notice shall contain the time and place for the hearing, and the location and general nature of the proposed special use.

(5) Report to Council: After conducting a public hearing on the application for special use approval at which all interested persons have had an opportunity to be heard, the Plan Commission shall file a written report of its findings of fact with the City Council along with its recommendation. The findings of fact shall address the specific criteria set forth in Section 47-14.17(6) and other factors unique to the site or use under consideration.

(6) Criteria: The City Council, following receipt of the report and recommendation of the Plan Commission, shall by majority vote, approve or deny the special use on the basis of what is in the best interest of the City of Joliet in protecting and promoting the public health, safety and general welfare. In deciding whether the approval is in the best interest of the City, the Council shall consider at least the following criteria:

(a) the general suitability of design and layout of the site as it pertains to traffic circulation, waste-handling, containment of spills, and buffering from adjacent properties;

(b) the zoning, and general character of the surrounding neighborhood and the projected impact of the proposed use upon the surrounding neighborhood and the City as a whole;

(c) the projected level of hazard of the proposed use to the surrounding neighborhood as revealed by information contained within the required EPA permit applications; and

(d) the recommendation of the Plan Commission.

(7) Special Use Prohibited: No special use approval for the treatment, storage, or disposal of hazardous wastes shall be granted for any site located within five hundred (500) feet, measured from nearest property line to nearest property line, of any residential use or zoning district.

(8) Required Conditions: As a condition of approval, the proposed special use must comply with the following minimum standards:

(a) The site must be posted as hazardous and completely enclosed with a fence at least six (6) feet high and in a manner that will prevent intrusion.

(b) The site must be developed in such a way that all hazardous materials stored or handled at the site will be contained on the site in the event of a spill, explosion, or other accidental release. This may be accomplished through site excavation, berming, or diking of the site, or any other suitable means. Furthermore, the hydrology of the site as developed for the proposed special use shall be such as to preclude the infiltration of hazardous materials into subsurface groundwater formations.

(c) The applicant must provide a financial guarantee in a form acceptable to the Corporation Counsel in an amount established by the City Council upon recommendation of the Director of Community Development. The guarantee shall be equal to one hundred percent (100%) of the amount--as determined by the Director of Community Development--necessary to clean, decontaminate and restore the environment following any accidental discharge, spill or release of the hazardous materials into the environment, or necessary to restore the site following its abandonment. The guarantee shall state in writing that the agency administering the guarantee must release the funds to the Director of Community Development upon proof of the previously described occurrences. Such release of funds will not be subject to the guarantor's approval and shall only be used in restoring the environment of the site of the special use. This guarantee must be maintained for the duration of the site occupancy by the special use.

(d) The special use must comply with all ordinances of the City of Joliet and specifically health, building, property maintenance, housing, fire safety, and waste disposal ordinances.

(e) The special use must comply with all applicable regulations of the U.S. and Illinois Environmental Protection Agencies.

(9) Changes of Special Use: Any significant change in the types, quantities, or toxicity of hazardous materials to be handled at the site of a previously approved special use shall be deemed a new special use for which a new application must be reviewed and approved according to the provisions of this Section. A change shall be considered significant if a new EPA permit or modifications to the original site development plan are required to accommodate it.

(10) Exemptions: The following uses are exempted from the provisions of this Section:

- (a) municipal wastewater treatment facilities;
- (b) industrial uses which involve the incidental on-site treatment, storage or disposal of hazardous waste as a clearly ancillary operation to the primary industrial operation.

(11) Amortization of Legal Non-Conforming Uses: Any use falling within the provisions of this Section which was legally in operation at the time of its adoption shall be considered a legal, non-conforming use. All such legal non-conforming uses shall have a period of one year from the date of adoption of this section in which to conform to all the provisions of this Section.

(12) Violations: Failure to comply with any of the requirements of this Section by a special use approved under the provisions of this Section shall constitute a violation of the Zoning Ordinance.

SECTION 47-15A PLANNED UNIT DEVELOPMENTS:

Planned Unit Developments are hereby authorized as provided herein, and in accordance with the procedures set forth in this Section may be located in all zoning classification districts.

47-15A.1 LEGISLATIVE INTENT:

It is hereby declared to be the legislative intent of the City of Joliet to allow Planned Unit Developments and thereby to provide for certain exceptions to the use and bulk regulations of this Ordinance; where such exceptions will be utilized to provide greater flexibility and originality in the design of large scale projects and to promote good site planning, better design, provisions for open spaces and high standards of light and air.

47-15A.2 SITE CHARACTERISTICS:

Pre-existing site conditions have considerable importance in establishing the character of urban development. The following site characteristics shall be considered in the preparation and review of Planned Unit Development proposals:

- (a) Trees: Trees of 6" diameter and larger are to be protected and saved wherever possible, particularly where a grouping of such trees exists; the feasibility of temporary removal and replacement of smaller trees should be considered.

(b) Contours: Responses to site profiles should be considered in Planned Unit Developments, ridges, rock out-croppings, slopes, and hillocks all require that special consideration be given the siting of buildings.

(c) Water: Existing site water, in the form of watercourses streams, marshes, and ponds should be considered as possible resources for the establishment of viable ponds, streams, or storm drainage courses.

(d) Orientation: The siting of residential developments should be assessed in terms of site profiles, views, sun, prevailing wind, and water resources.

(e) Open Space Development: All of the above considerations should be coordinated with a view towards developing pleasant and usable open space pattern throughout the residential community. This open space should be related to any existing parks or park plans.

47-15A.3 MINIMUM AREA IN PLANNED UNIT DEVELOPMENTS:

(1) The minimum area of any Planned Unit Development designed and intended for residential use shall be governed by the minimum land area required to support the density proposed as set forth in the regulations of the zoning district in which the Planned Unit Development is located, except as provided in Section 47-15A.6.

(2) The minimum area of any Planned Unit Development which is designed and intended only for business use shall not be less than four acres in area, except where such development is located within or immediately adjacent to any existing I-1, I-2, I-3, B-1, B-2, or B-3 districts, there shall be no minimum area regulation. There shall be no minimum area regulation for any business development which is designed as an accessory service area to a larger planned development, which includes other than business uses. However, generally, the total area devoted to business activity shall not exceed five per cent of the total area of such mixed development.

(3) The minimum area of any Planned Unit Development which is designed and intended for industrial use and which may also include accessory commercial uses shall not be less than 20 acres except that where such development is located within or immediately adjacent to any existing I-1, I-2, or I-3 district, there shall be no minimum area regulation.

(4) There shall be no minimum area regulation for any industrial development which is designed in conjunction with a larger planned development which includes other than industrial and commercial uses. However, generally, the total area devoted to industrial activity shall not exceed 20 per cent of the total area of such mixed development.

47-15A.4 PLAN COMMISSION REVIEW:

The City Plan Commission may approve or disapprove of the plans as submitted or may require that the plans be modified, altered, adjusted, or amended by the applicant prior to approval. After such hearings as provided herein, the Plan Commission shall notify the City Council in writing of its action and recommendation. No building permits shall be issued for any construction within the Planned Unit Development until it is approved by the City

Council of the City of Joliet; and no approval shall be made of the Planned Unit Development until all of the plans thereof comply with the following conditions:

(1) The plans for the development are consistent with the Comprehensive Plan for the entire City and the needs for the particular neighborhood.

(2) Where the Planned Unit Development is for a dwelling group, the following restrictions are illustrated in the plans and shall apply:

(a) That the buildings are to be used only for such residential purpose and accessory uses except as otherwise specifically allowed by the City Council, provided that such accessory uses shall include private garages, storage spaces, recreational and community activities.

(b) That the density standards on the site, exclusive of the area occupied by streets will not be less than the lot area per family required in the district in which the dwelling group is to be located, except as otherwise regulated in Section 47-15A.6.

(c) That there is to be provided within the tract on which the dwelling group is to be erected, parking space in private garages or off-street parking areas, as required by the regulations of the district in which said development is located.

(d) That there are to be provided, as part of the proposed development, adequate recreational areas to serve the needs of the anticipated population to be housed in said dwelling group.

(e) Sidewalks and pedestrian ways shall be provided as needed to supplement and complement the proposed street system.

(f) There should be no regulation as to the maximum height or number of stories in any building in a Planned Unit Development district. However, the height of any building in excess of the number of stories set forth in the regulations of any district where located shall be specified upon the development plan and the heights of such buildings shall be limited to that specified in any development plan.

(g) That the proposed dwelling group will constitute a residential environment of sustained desirability; that it will be in harmony with the surrounding neighborhood and that the neighboring properties will not be adversely affected. That it will not cause congestion in local streets.

(h) That the proposed dwelling group will be consistent with the intent and purpose of this Ordinance to promote public health, safety and general welfare.

(i) Such dwelling group shall be authorized only in the R-1, R-2, R-3, R-4, R-5 and R-B zoning districts.

47-15A.5 USE EXCEPTIONS:

The Plan Commission may recommend and the City Council may authorize in specified areas of such development, and for the duration of such development, specified uses not permitted by the use regulations of the district in which said development is located, provided that the Plan Commission shall find:

(1) That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development.

(2) That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood.

(3) That not more than 30 per cent of the ground area, nor more than 50 per cent of the gross floor area, of such development shall be devoted to the uses permitted by said exception.

47-15A.6 BULK REGULATIONS:

In the case of any Planned Unit Development, the Plan Commission may recommend and the City Council may authorize exceptions to the applicable bulk and ground coverage regulations of this Ordinance within the boundaries of such development, provided that the Plan Commission shall find:

(1) That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development as well as the neighboring property, than would be obtained under the bulk regulations of this Ordinance for buildings developed on separate zoning lots.

(2) That the overall floor area ratio for the Planned Unit Developments would not exceed by more than 20 per cent of the maximum floor area ratio required for the individual uses in such planned developments as stipulated in each district.

(3) That spacing between buildings shall be adequate to provide sufficient amounts of light and air, to protect privacy, to provide space for movement of emergency vehicles if necessary, and to protect the public safety.

(4) That along the periphery of such planned developments, yards shall be provided as required by the regulations of the district in which said development is located.

(5) That in a residential planned development, the maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the district or districts in which the area is located, and then increasing this number by 20 per cent. Net development area shall be determined by subtracting the area set aside for non-residential uses from the gross development area and deducting ten (10) per cent of the remainder for streets regardless of the amount of land actually required for streets. The area of land set aside for common open space or recreational use may be included in determining the number of dwelling units permitted.

47-15A.7 OWNERSHIP, USE AND MAINTENANCE OF OPEN SPACES:

(1) In the event that the application for a permit hereunder results in a preliminary development plan and final development plan showing lands available for park, recreation, open space, or other municipal purposes directly related to the development plan, then the Plan Commission as a condition of approval of the preliminary development plan may, and prior to approval of the final development plan shall, establish such conditions on the ownership, use and maintenance of such open spaces as it deems necessary to assure the preservation of such lands for their intended purposes. Such conditions shall be approved by resolution of the City Council before the development plan may be approved for filing.

(2) Among the conditions which shall be required to be entered on the final development plan prior to the approval of the final development plan are the following:

(a) The applicant shall furnish an open space covenant assuring that the subdivision's open spaces will remain as open spaces and not later be used for other residential or business purposes or filled in with more buildings, or used for any purposes other than for the benefit of the Planned Unit Development. Said covenant shall not become effective until accepted by resolution of the same by the City Council.

(b) Local open spaces as shown on the development plan of the applicant, at the application of the applicants or developer, may be retained permanently by him. When retained by the developer, plans for the improvement and maintenance of the tracts must be approved by the Plan Commission of the City of Joliet prior to the approval of the final development plan, and entered on the final development plan as provided herein to assure both continuing use of the tracts' local open space purposes and the proper operation and maintenance of the same, to the Plan Commission's satisfaction.

(c) A statement that with the exception of the minimum lot requirements of the Subdivision Regulations of the City of Joliet, all requirements of the Subdivision Regulations have been complied with by the applicant and owner.

(d) The open space covenants authorized to be used by this paragraph shall be in substantially the following language.

COVENANT

(Open space on Lot _____, Block _____.) WHEREAS, the undersigned _____ hereby warrant that they are the owners of real property in the City of Joliet, County of Will, and State of Illinois, or in the County of Will within one and one-half miles of the corporate limits of the City of Joliet, described as Lot _____, Block _____; and whereas they are in the process of developing said real estate with dwelling units and accessory installation and improvements; and whereas the City of Joliet pursuant to the laws of the State of Illinois, as amended from time to time, is empowered to develop a comprehensive plan for the orderly growth of said City and for the areas within one and one-half miles of the corporate limits thereof, and is empowered to adopt such subdivision regulations and other ordinances as necessary therefore, and is authorized to require covenants or conveyances of interests therein, so as to limit the future use of and otherwise consider the open spaces and areas on said land; now therefore in consideration of the approval of the Planned Unit Development for said real estate and for other valuable considerations the undersigned owners of the real property herein described hereby individually and jointly, warrant and covenant that

all of lot _____, block _____, in the City of Joliet, County of Will, and State of Illinois, or in the County of Will, and State of Illinois, within one and one-half miles of the corporate limits of the City of Joliet, hereby is dedicated as open space and open area, and no structures or other artificial facilities shall be constructed in or upon said real property without the express consent and authorization of the City Council of the City of Joliet; provided, however, that there shall be reserved to the owner or owners of said real property the right to construct necessary and appropriate structures and facilities for use as a park and recreational facility for the benefit of the owners of other parcels in said tracts such structures and facilities to be subject to the appropriate uses permit provisions and procedures as set forth in the Zoning Ordinance and regulations of the City of Joliet and any future amendments thereto, and subject to the final approval by the City Council.

Acceptance of this instrument by the City Council shall not be construed to waive any of the requirements of the Ordinances or regulations of the City of Joliet. Warranties and covenants herein contained shall be and remain in effect until any or all thereof are expressly released by the City Council of the City of Joliet and are intended to be and shall continue to be covenants running with the land herein above described and shall be binding upon the legal owners, representatives, successors and assigns of the undersigned. The above covenants shall be signed and acknowledged according to law by the owner or owners or their legal agents.

47-15A.8 PLANNED UNIT DEVELOPMENT APPLICATIONS:

Applications for Planned Unit Developments shall be filed with the Department of Community Development by the owners of property or others entitled to the benefits thereof, and shall be accompanied by eighteen (18) or more copies and one transparency of complete preliminary development plans. Preliminary development plans should provide the following material, during the preparation of which the applicant is encouraged to keep the Commission informed of his progress and to consult with the staff if any questions or problems arise. Such consultations will speed the process of approval:

(1) Drawings: Sheet sizes should be no larger than 24" x 36" except where the indicated minimum scales require a larger sheet.

(a) Site plan showing existing features: contours at 5' intervals, general location and diameter of all trees 6" in diameter and larger, location of watercourses, ponds and streams, existing structures and roads, and any other features, such as large rock outcroppings, which may be distinctive or unusual on a particular site. Scale: No less than 1"=160'.

(b) Site sections sufficient to indicate the major site profiles, presented at same scale as the site plan.

(c) An architectural site plan showing the existing topography; proposed grading; location, extent and character of use or uses; number of stories; total floor area and location of entrances and loading points of all structures; location, character and use of open areas; public rights-of-way or easements bounding or intersecting the property; curb cuts, driving lanes; off-street parking areas with the number of parking

spaces, off-street loading areas and illumination facilities for the same; pedestrian walks, malls and any public transportation loading places; location and character of any walls, fences, plantings or landscapings; location, size, height, orientation of any permitted signs; proposed staging of development, if any; and any other similar data which the Plan Commission may require.

(d) (Required only where new or altered street plan is included as part of submission.) Preliminary street and drainage plans, showing alignment of streets and direction of flow of storm and sanitary sewer in relation to topography. These drawings should be at same scale as the architectural site plan. Where an official street and drainage plan exists, it should be submitted for purposes of comparison.

(e) Preliminary plans of house types proposed for development.

(f) When available, drawings or models indicating the three dimensional character of the proposal in an accurate way. The drawings may be perspectives, sections, elevations, axonometrics, or isometrics in any combination, or at any scale, that is appropriate for communicating the character of the proposal.

(2) Written material: In addition to the drawings, other pertinent information about Planned Unit Development proposals must be submitted in preliminary form:

(a) Statistical summary of proposal, including: gross site area; street area; net site area; number of each variety of dwelling unit, and total number of dwelling units; floor area per dwelling unit type and total floor area; common open space area; and number of rooms per dwelling unit type and total number of rooms.

(b) Staging Plan: A general time schedule of expected completion dates of elements of plan. Staging should be designed so that each stage, as completed, will complement earlier stages to form a satisfactory whole even if succeeding stages are delayed.

(c) Performance bond and insurance: The developer shall furnish a performance bond in an amount satisfactory to the Commission to guarantee the proper maintenance and repair of all open spaces and private streets, roadways, sidewalks, or other pathways retained by the developer; in addition, the developer shall furnish public liability insurance. In addition, the developer shall furnish the City with a certificate of insurance from an insurance company licensed to do business in the state, which certificate shall name the City as additional insured. The insurance policy shall indemnify the applicant and the City against liability for the injury or death or damages in the following amounts: for the injury or death of any one (1) person -- one hundred thousand dollars (\$100,000.); for the injury or death of more than one (1) person arising from the same accident -- three hundred thousand dollars (\$300,000.); and for damages to property of another, including the City -- fifty thousand dollars (\$50,000.). The policies of insurance required by the preceding paragraph shall be approved as to form by the Corporation Counsel prior to the approval by the Plan Commission, and shall be in such form as to indemnify, keep and save harmless the City against any loss, cost, damage, expenses, judgement or liability of any kind whatsoever which the City may suffer or which may accrue against, be charged to or be

recovered from the City or any of its officials, from or by reason or on account of accidents to persons or property during any demolition operations and from or by reason or on account of anything done under or by virtue of any permit granted for any demolition operations.

(d) Financial plan: A general time schedule of expected completion dates of elements of plan.

(e) Size and scope of shopping facilities, if any.

(f) Size and scope of any other community facilities.

(g) Preliminary ownership and maintenance plan of common open space, if any.

(h) Certification of ownership of property.

(3) Within thirty (30) days of receipt of a complete preliminary submission, the Commission will tell the sponsor whether a final submission is encouraged. At this time, also, the Commission will make known any conditions to be included in the final submission, such as allowance for community facilities or the need to accommodate street plans to those of adjacent areas. Also, the Commission may request that certain documents be submitted to the Commission to facilitate coordination with other agencies.

47-15A.9 FINAL SUBMISSIONS:

The sponsor's final proposal should include all the following material:

(1) Drawings: All the drawings from the preliminary submission must be resubmitted in an up-to-date form. In addition, where street and drainage plans are new or altered, complete drawings conforming to the requirements of the Plan Commission and other appropriate agencies, must be submitted at this time.

(2) Written material: All schedules and documents called for in the preliminary submission must be submitted in final form. Within thirty (30) days of receipt of a completed final submission, the Commission will take appropriate action; normally, either granting administrative approval of fixing a public hearing. Where the latter action is appropriate, the Commission will move expeditiously to hold the hearing and make its recommendation to the City Council. Upon receipt of a recommendation from the Plan Commission, the City Council may approve the Planned Unit Development by adopting an Ordinance amending the official Zoning Map of the City and making the Planned Unit Development a part thereof. In the event that a developer subsequently wishes to make minor modifications to an approved Planned Unit Development, such modifications shall be submitted to the Commission in a form which compares the approved submission with the desired changes. The Commission may authorize such minor modifications without public hearings or City Council action. Minor modifications generally may be construed to mean substitutions of one approved house type for another, or minor variations in placement of buildings in such a way that the overall limits of approved floor area, open space, or rooms per acre are not increased.

(3) Notice of Hearing: In addition to any other notice required, the sponsor shall also provide notice of the public hearing before the Commission by posting a land use change informational sign in accordance with the provisions of Section 47-19.7(6) of the Zoning Ordinance. *

* Ord. No. 9879; 4/21/92

47-15A.10 PLANNED UNIT DEVELOPMENT MAP DESIGNATIONS:

Upon the approval of a Planned Unit Development by the City Council, such approval shall be noted on the official zoning map of the City of Joliet by outlining the area included in the approved Planned Unit Development and designating the area with the usual notation of the zoning district in which the Planned Unit Development is located, but with a "P" inserted between the letter and numeral thereof.

47-15A.11 EXPIRATION OF DEVELOPMENT PLAN:

If all on-site development and/or buildings as indicated and approved on the development plan have not begun within thirty-six (36) months from the date of the authorization order of the City Council, the developer shall review the progress of his Planned Unit Development with the Plan Commission. Upon successful completion of this review procedure, the developer shall have an additional twenty-four (24) months in which to begin all proposed on-site improvements. If the proposed on-site development and/or buildings as indicated on the approved development plan have not begun within this sixty (60) month period, the authorization order of the City Council shall become null and void and all rights thereunder shall lapse.

All conditions imposed as a part of any Planned Unit Development shall run with the land and shall not lapse or be waived as a result of a subsequent change in tenancy or ownership of any or all of said area, provided, however, that nothing herein shall be construed to limit the right of the developer, his successors or assigns to sell property in said Planned Unit Development, except for such conditions imposed upon said common areas.

47-15B NURSING HOMES, SHELTERED CARE HOMES, HOMES FOR THE AGED, AND SANITARIUMS: *

*Revised 3/5/91; Ord. #9502

(1) Use of land for nursing homes, sheltered care homes, homes for the aged, and sanitariums shall not be a permitted use in any district.

(2) Land in an R-B district may be used for nursing homes, sheltered care homes, homes for the aged, or sanitariums upon the issuance of a special use permit by the City Council.

(3) No special use permit shall be issued by the City Council for a nursing home, a sheltered care home, a home for the aged, or a sanitarium unless after public hearing the City Council shall find:

(a) The use is necessary for the public convenience at that location.

(b) The design, location and operation will not be detrimental to or endanger the public health, safety, morals or welfare.

(c) The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish property value within the neighborhood.

(d) The use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

(e) The use will conform to the applicable regulations for the district in which it is located.

(4) For the purposes of this Section, the following terms and phrases shall have the meaning ascribed to them herein:

(a) "Nursing Home" shall mean a facility as defined in Section 1-113 of the Nursing Home Care Act, codified as Chapter 111-1/2, Section 4151-101 et seq. of the Illinois Revised Statutes, as amended, excepting therefrom subsections (4) and (5) of said Section 1-113. Any definition provided herein that conflicts with any definition set forth in said Act shall control and take precedence.

(b) "Sheltered Care Home" shall mean a type of facility defined in sub-section 4(a) hereof wherein maintenance, personal care or sheltered care is provided to any person, as such terms are defined herein. Such a home shall also be construed to include shelters for the homeless, recovering substance abusers, and ex-offenders or such other similar uses. A sheltered care home does not include a community residential home as defined in Section 1(a) of Article 47-15D of this Ordinance.

(c) "Home for the Aged" shall mean a type of facility defined in subsection 4(a) hereof wherein the residents are predominantly 62 years of age or older.

(d) "Sanitarium" shall mean an institution whose principal activity is the treatment of chronic diseases.

(e) "Maintenance" shall mean the provision of food and shelter to another.

(f) "Personal Care" shall mean the assistance with meals, dressing, movement, bathing or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual who for any reason is unable to maintain a private, independent residence or is incapable of managing his person whether or not a guardian has been appointed for such individual.

(g) "Sheltered Care" shall mean the provision of maintenance or personal care to an individual.

47-15C SEXUALLY ORIENTED BUSINESSES*

(1) Definitions. For the purpose of this section, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

(a) "Sexually oriented business" shall mean any premises to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments, or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. A sexually oriented business further includes, without being limited to, any adult bookstores, adult motion picture theaters, adult mini-motion picture establishments, adult cabaret, adult entertainment studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

(b) "Adult bookstore" means an establishment having as more than 25% its stock and trade in books, films, video cassettes (whether for viewing off premises or on premises), or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein.

(c) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons therein.

(d) "Adult mini-motion picture theater" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons therein.

(e) "Adult cabaret" means a cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

(f) "Adult Entertainment" means any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, which has as a significant or substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

(g) "Specified sexual activities" means:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy;

(3) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

(h) "Specified anatomical areas" means:

(1) Less than completely and opaquely covered:

(i) Human genitals, pubic region;

(ii) Buttocks;

(iii) Female breasts below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

(i) "Person" means any individual, partnership, corporation, association, proprietorship, or other legal entity.

(j) "Religious institution" means a building in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

(2) Location of Sexually Oriented Businesses.

(a) No person shall operate or cause to be operated a sexually oriented business within 1000 feet of the property boundary of a pre-existing:

(1) public or private elementary or secondary school;

(2) licensed day care center;

(3) cemetery;

(4) public park;

(5) public housing;

(6) place of religious worship;

(7) residential zoning district;

(8) licensed gaming facility. *

* Ord. #11831; 3/17/98

(b) For the purpose of subsection (a), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the other specified use.

(3) Amortization of Existing Sexually Oriented Businesses.

Any sexually oriented business lawfully operating on the effective date of this ordinance and that is in violation of subsections (a) of this section shall be deemed a nonconforming use. The nonconforming use shall be permitted to continue for a period not to exceed three years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 500 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and

continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.

(4) Exemption from Location Restrictions.

(a) Any person desiring to locate a sexually oriented business at a location prohibited under Section 47-15C of the Zoning Ordinance or any other provision thereof shall be required to seek a variation of use in accordance with the provisions of the Zoning Ordinance. In addition to the general criteria that must be established for a variation of use, the person seeking the variation shall also establish the following to be eligible for the variation of use:

(1) that the location of the proposed sexually oriented business will not have a detrimental effect on nearby properties or be contrary to the public safety or welfare;

(2) that the location of the proposed sexually oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight; and

(3) that the location of a sexually oriented business in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any efforts of urban renewal or restoration.

47-15D COMMUNITY RESIDENTIAL HOMES *

* Ord. No. 9136; 5/1/90

SECTION 1: DEFINITIONS.

(a) "Community Residential Home" shall mean a dwelling unit owned or leased and operated by a sponsor to provide a living environment for sixteen (16) or fewer unrelated residents who operate as the functional equivalent of a family and who receive support services or are under the supervision of a sponsor. A community residential home shall not be construed to include a medical or nursing facility.

(b) "Developmental Disability" shall mean a disability which is attributable to: (i) mental retardation, cerebral palsy, epilepsy or autism; or (ii) any other condition which results in impairment similar to that caused by mental retardation and which requires services similar to those required by mentally retarded persons. Such disability must originate before the age of eighteen (18) years, be expected to continue indefinitely, and constitute a substantial handicap.

(c) "Mental Illness" shall mean a disability attributable to the residual effects of a mental disorder or emotional disturbance that causes significant functional impairment and that requires

the provision of specialized services over an extended period of time directed toward the person's social, personal or physical habilitation or rehabilitation.

(d) "Mental Retardation" shall mean significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of eighteen (18) years.

(e) "Person" shall mean any natural person, corporation, unit of government or subdivision thereof, partnership or joint venture.

(f) "Resident" shall mean any natural person with a developmental disability or mental illness or combination thereof. However, resident shall not include any person involved in the current illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substances Act, codified in the United States Code as 21 U.S.C. 902, as amended. Further, "resident" shall not include any person subject to involuntary admission, as defined in Section 1-119 of the Illinois Mental Health and Developmental Disabilities Code, codified in the Illinois Revised Statutes as Chapter 91-1/2, Section 1-100 et seq., as amended.

(g) "Sponsor" shall mean any person licensed or similarly authorized by an agency of the State of Illinois of competent jurisdiction to operate a community residential home.

(h) "Supervision" shall mean the act of assuming responsibility for the day to day operation of a community residential home and shall include, without limitation, the performance of any act that requires licensing, certification or such similar authorization by an agency of the State of Illinois of competent jurisdiction.

(i) "Support Services" shall mean those services provided to residents in order to facilitate their integration into the community and to improve their level of functioning and independence.

(j) "Unrelated" shall mean persons who do not have the following relationships by blood, marriage or adoption: parent, son, daughter, brother, sister, grandparent, uncle, aunt, nephew, niece, great grandparent, great uncle, great aunt, stepbrother, stepsister, stepson, stepdaughter, stepparent or first cousin.

SECTION 2: COMMUNITY RESIDENTIAL HOMES LOCATED IN R-1, R-2 OR R-2A DISTRICTS.

(a) A community residential home consisting of no more than six (6) residents shall be a permitted use in any R-1, R-2 or R-2A district. However, prior to the occupancy of a community residential home consisting of four (4) or more residents, the sponsor shall first obtain an administrative occupancy permit, as set forth in Section 6.

(b) A community residential home consisting of seven (7) or eight (8) residents shall be permitted in any R-1, R-2 or R-2A district only upon the issuance of a special use permit as set forth in Section 8 and an administrative occupancy permit as set forth in Section 6.

(c) No community residential home consisting of four (4) or more residents shall be permitted in any R-1, R-2 or R-2A district unless the location of the home complies with the provisions of Section 7.

(d) A community residential home consisting of nine (9) or more residents is prohibited in any R-1, R-2 or R-2A district.

SECTION 3: COMMUNITY RESIDENTIAL HOMES LOCATED IN R-3 DISTRICTS:

(a) A community residential home consisting of no more than six (6) residents shall be a permitted use in any R-3 district, provided (i) prior to the occupancy of a community residential home consisting of four (4) or more residents, the sponsor shall first obtain an administrative occupancy permit as set forth in Section 6, and (ii) no more than six (6) residents shall occupy any structure located in an R-3 district unless the sponsor has first obtained a special use permit therefore, in accordance with Section 8.

(b) A community residential home consisting of seven (7) or eight (8) residents shall be permitted in any R-3 district only upon the issuance of a special use permit as set forth in Section 8 and an administrative occupancy permit as set forth in Section 6.

(c) No community residential home consisting of four (4) or more residents shall be permitted in any R-3 district unless the location of the home complies with the provisions of Section 7.

(d) A community residential home consisting of nine (9) or more residents is prohibited in any R-3 district.

SECTION 4: COMMUNITY RESIDENTIAL HOMES LOCATED IN R-4, R-4A, R-5 OR R-B DISTRICTS.

(a) A community residential home consisting of no more than eight (8) residents shall be a permitted use in any R-4, R-4A, R-5 or R-B district, provided (i) prior to the occupancy of a community residential home consisting of four (4) or more residents, the sponsor shall first obtain an administrative occupancy permit as set forth in Section 6, and (ii) no more than eight (8) residents shall occupy any structure located in any R-4, R-4A, R-5 or R-B district unless the sponsor has first obtained a special use permit therefore, in accordance with Section 8.

(b) A community residential home consisting of nine (9) or more residents, but less than seventeen (17) residents, shall be permitted in any R-4, R-4A, R-5 or R-B district only upon the issuance of a special use permit as set forth in Section 8 and an administrative occupancy permit as set forth in Section 6.

(c) No community residential home consisting of four (4) or more residents shall be permitted in any R-4, R-4A, R-5 or R-B district unless the location of the home complies with the provisions of Section 7.

SECTION 5: COMMUNITY RESIDENTIAL HOMES LOCATED IN B-1, B-2 or B-3 DISTRICTS.

(a) A community residential home consisting of no more than eight (8) residents shall be a permitted use in any B-1, B-2, or B-3 district, provided (i) prior to the occupancy of a community residential home consisting of four (4) or more residents, the sponsor shall first obtain an administrative occupancy permit as set forth in Section 6, and (ii) no more than eight (8) residents shall occupy any structure located in any B-1, B-2 or B-3 district unless the sponsor has first obtained a special use permit therefore, in accordance with Section 8.

(b) A community residential home consisting of nine (9) or more residents, but less than seventeen (17) residents, shall be permitted in any B-1, B-2 or B-3 district only upon the issuance of a special use permit as set forth in Section 8 and an administrative occupancy permit as set forth in Section 6.

(c) No community residential home consisting of four (4) or more residents shall be permitted in any B-1, B-2 or B-3 district unless the location of the home complies with the provisions of Section 7.

SECTION 6: ADMINISTRATIVE OCCUPANCY PERMIT.

(a) Any community residential home consisting of four (4) or more residents shall not be occupied by any resident unless the sponsor shall have first obtained from the City Manager or his designee an administrative occupancy permit authorizing the use of the dwelling unit as a community residential home. A community residential home of three (3) or fewer residents need not obtain such a permit, but shall first notify the City Manager of its intent to occupy a dwelling unit as a community residential home.

(b) All administrative occupancy permits shall be issued upon written application upon forms furnished by the City Manager or his designee. The application shall be under oath and shall state the following:

(i) the date of application;

(ii) the name and address of the applicant, and if a corporation the name and address of the registered agent, president, secretary and treasurer, and if a partnership, the name and address of all partners, including limited partners;

(iii) the proposed location of the community residential home;

(iv) the number of residents to be housed in the community residential home;

(v) the proposed date of occupancy by residents;

(vi) the number of other persons that will reside within the dwelling unit, classified according to their respective duties;

(vii) the number of other persons that will work at the home or provide support services at the home to its residents, classified according to their respective duties;

(viii) any other information that the City Manager may reasonably require.

(ix) the applicant shall not disclose the identity of any resident.

(c) The application shall be accompanied by reliable evidence that the sponsor is licensed or similarly authorized by an agency of the State of Illinois of competent jurisdiction to operate the proposed community residential home in the proposed location. The absence of such evidence shall constitute sufficient grounds to deny the administrative occupancy permit.

(d) The application shall also be accompanied by the certificate of affidavit of the sponsor that the residents to be housed in the community residential home have been evaluated and screened as required under applicable statutes and administrative regulations and that the residents are capable of community living if provided with an appropriate level of supervision, assistance, and support services.

(e) No administrative occupancy permit shall be issued for a community residential home that does not comply with any ordinance of the City of Joliet, applicable regulation of the State of Illinois or its agencies or any ordinance or resolution of the County of Will.

(f) No administrative occupancy permit shall be issued for a community residential home that does not comply with the provisions of Section 7.

(g) An administrative occupancy permit shall not be required to operate a community residential home consisting of less than four (4) residents.

(h) The City Manager may revoke an administrative occupancy permit on the following grounds:

(i) the permit was obtained by fraudulent means, material misrepresentation or by submitting false information;

(ii) the sponsor is no longer licensed or authorized by an agency of the State of Illinois of competent jurisdiction to operate a community residential home at the location specified in the permit;

(iii) the sponsor has unlawfully refused to permit an inspection of the home by an authorized official of the City of Joliet; or

(iv) the dwelling unit has been determined by an appropriate official of the City of Joliet to be unsafe for human habitation.

(v) the dwelling unit or the sponsor has violated or is in violation of any applicable federal, state, county or city law, ordinance or administrative rule or regulation.

Prior to the revocation of an administrative occupancy permit, the City Manager or his designee shall investigate whether probable cause for revocation may exist and, if so, shall notify the sponsor in writing of reasons for the proposed revocation and grant the sponsor the

opportunity to appear before the City Manager or his designee at a time and place specified within such notice. Such hearing shall be held not less than ten (10) days after the notice is received by the sponsor. Hearings shall be conducted under rules issued by the City Manager. Such rules shall be consistent with the nature of the proceedings and shall ensure that each party may present evidence, cross examine witnesses and be represented by legal counsel. If after the hearing the City Manager or his designee determines that the permit should be revoked, a written order revoking the permit shall be issued.

- (i) An administrative occupancy permit is not transferable to any other person.

SECTION 7: SPACING REQUIREMENTS FOR COMMUNITY RESIDENTIAL HOMES.

(a) A community residential home consisting of four (4) residents and located within any R-1, R-1A, R-2 or R-2A district shall not be located less than twelve hundred (1200) feet of any other structure containing a community residential home.

(b) A community residential home consisting of four (4) residents and located within any R-3 district shall not be located less than one thousand (1000) feet of any other structure containing a community residential home.

(c) A community residential home consisting of four (4) residents and located within any R-4, R-5, R-B, B-1, B-2 or B-3 district shall not be located less than five hundred (500) feet of any other structure containing a community residential home.

(d) A community residential home consisting of five (5) or six (6) residents and located within any R-1, R-1A, R-2 or R-2A district shall not be located less than two thousand (2000) feet from any other structure containing a community residential home.

(e) A community residential home consisting of five (5) or six (6) residents and located in any R-3 district shall not be located less than fifteen hundred (1500) feet from any other structure containing a community residential home.

(f) A community residential home consisting of seven (7) or eight (8) residents and located in any R-1, R-1A, R-2 or R-2A district shall not be located less than two thousand five hundred (2500) feet from any other structure containing a community residential home.

(g) A community residential home consisting of seven (7) or eight (8) residents and located in any R-3 district shall not be located less than two thousand (2000) feet from any other structure containing a community residential home.

(h) A community residential home consisting of nine (9) or more residents, but less than seventeen (17) residents and located in any R-4, R-5, R-B, B-1, B-2 or B-3 district shall not be located less than one thousand (1000) feet from any other structure containing a community residential home.

(i) Any facility consisting of seventeen (17) or more persons receiving medical or nursing care and located within any B-1, B-2 or B-3 district shall not be located less than fifteen hundred (1500) feet from any other structure containing a community residential home.

(j) All distance requirements set forth in this Section shall be measured from the nearest point of the structure containing the existing community residential home to the nearest point of the structure to contain the proposed community residential home.

(k) Community residential homes housing fewer than four (4) residents shall not be subject to the spacing requirements set forth herein.

SECTION 8: CRITERIA FOR THE ISSUANCE OF A SPECIAL USE PERMIT.

(a) No special use permit shall be granted for any community residential home unless the Mayor and City Council, after public hearing and upon the recommendation of the Plan Commission find the following conditions to exist:

(i) that the design, location, and operation of the community residential home will not be detrimental to or endanger the public health, safety, and welfare;

(ii) that the community residential home will not substantially diminish the economic value of properties in the vicinity of the proposed home;

(iii) that the granting of the permit would not result in the concentration of community residential homes or of such other facilities for service dependent populations such that the nature and character of the area would be substantially altered;

(iv) that the proposed use of the affected property complies with all applicable ordinances of the City of Joliet and all federal, state and county laws, ordinances and administrative rules and regulations.

(v) that the granting of the permit will not substantially affect the financial viability of the City of Joliet.

(b) The party seeking the issuance of the special use permit shall submit such evidence as may be required to enable the Mayor and City Council to make the findings required by this Section.

SECTION 9: MISCELLANEOUS.

(a) Nothing contained herein shall be construed to adversely affect the ability of any person to obtain a variation of the provisions of this Section upon the showing required by law.

(b) Community residential homes shall be a prohibited use in any I-1, I-2 or I-3 district.

(c) Nothing contained herein shall be construed so as to require any person to make a disclosure in violation of the Illinois Mental Health and Developmental Disabilities Act, codified as Chapter 91-1/2, Paragraph 801 et seq., as amended.

(d) Any special use permit granted pursuant to Section 8 or any administrative occupancy permit granted to Section 6 shall lapse and be of no legal effect if a sponsor ceases to use a

dwelling unit as a community residential home for a period of ninety (90) consecutive calendar days. The sponsor shall provide prior written notice thereof to the City Manager.

(e) In the event the State of Illinois or the United States of America adopts any law or administrative rule that limits the maximum number of residents that may occupy a community residential home, or any structure containing a community residential home, and said limitation is more restrictive than any limitations set forth in Sections 2, 3, 4 or 5 hereof, then such law or rule shall prevail and apply within the City of Joliet.

(f) In the event the State of Illinois or the United States of America adopts any law or administrative rule that sets forth greater spacing requirements than those imposed in Section 7 hereof, then such law or rule shall prevail and apply within the City of Joliet.

Community Residential Homes

ZONING DISTRICT	MAX. NO. RESIDENTS PERMITTED	ADMIN. OCCUPANCY PERMIT	SPECIAL USE PERMIT	DISTANCE REQUIRED (IN FEET)	NO. RESIDENTS PROHIBITED
R-1 R-1A R-2 R-2A	6	4 or more YES	7 or 8 YES	4 – 1200 5/6 – 2000 7/8 – 2500	9+
R-3	6	4 or more YES	7 or 8 YES	4 – 1000 5/6 - 1500 7/8 – 2000	9+
R-4 R-5	8	4 or more YES	9 - 17 YES	4+ - 500 9-17 – 1000	
B-1 B-2 B-3	8	4 or more YES	9 - 17 YES	4+ - 500 17+ - 1500	
I-1 I-2 I-3	P R O H I B I T E D				

47-15E LANDSCAPE AND SCREENING REGULATIONS

1. General

No preliminary plat, preliminary planned unit development plan, building permit, conditional use permit, special use permit or variation of use shall be issued or approved unless the applicant submits a Landscape Plan to the City Manager which meets the requirements of this Section.

- A. An existing conforming or legal non-conforming building or use shall not be required to submit a Landscape Plan or provide landscaping unless the building or use is expanded, converted, or renovated. If such a use is expanded, converted, or renovated the following requirements shall apply:
 - 1. A conforming or legal non-conforming building or use shall submit a Landscape Plan and provide landscaping if the gross floor area of the building or its off-street parking area, taken together or separately, is increased twenty-five percent (25%) or more.
 - 2. A conforming or legal non-conforming building or use converted to another use, or renovated shall submit a Landscape Plan and provide landscaping in accordance with this Section unless the cost of conversion or renovation is less than twenty-five percent (25%) of its fair cash value of the building (as determined for property tax purposes).
 - 3. A conforming building or use in existence on January 1, 1999 which is subsequently damaged by any cause whatsoever and which is reconstructed, reestablished or repaired, shall provide landscaping at least equivalent to that existing at the time of such damage or destruction. When the damage or destruction exceeds twenty-five percent (25%) of the fair cash value of the building or use (as determined for property tax purposes) landscaping shall be provided as required herein for equivalent new use or construction.
- B. All requirements established in this Section shall be in addition to any other requirement set forth in other City of Joliet ordinances or regulations.
- C. All landscaping requirements specified herein are minimum requirements. Provision of landscaping in excess of these requirements is encouraged.

2. Landscape Plan

A Landscape Plan shall be submitted for all developments as set forth herein. The Landscape Plan shall contain, at a minimum, the following information:

- A. The location and dimensions of all existing and proposed structures, natural features, parking lots and drives, roadways and right-of-way, sidewalks, bicycle paths, ground signs, refuse disposal areas, bicycle parking areas, fences, free standing electrical equipment, utility easements, conservation easements, ground

lighting, tot lots and other recreational facilities, and other freestanding structural features as determined by the City Manager.

- B. The location, quantity, size, root ball condition and type, scientific and common names of all proposed plant materials.
- C. The location of all proposed berming, indicating contours at one-foot intervals and percent of slope.
- D. Specification of the type, boundaries, size and spacing of all proposed ground cover.
- E. The designation, location, quantity, size, botanic name and common name of all existing plant material intended to remain on the site.
- F. A Tree Survey and Tree Preservation Plan, as set forth in this Section.
- G. Elevations of all fences, bridges, retaining walls, or other similar details proposed to be located on the site.
- H. A title block indicating the person or firm responsible for the preparation of the plan, property owner, date, scale and north arrow.

3. Minimum Landscaping and Screening Requirements

- A. For lots improved with single-family dwellings or two family dwellings, not more than thirty percent (30%) of the ground area of the lot may be covered by structures. The remaining seventy percent (70%), except that devoted to driveways, parking areas and walkways, shall be landscaped at a minimum with sodded or seeded turf grass or an approved pervious vegetative ground cover (or a combination of both) and maintained in such manner as to not constitute a nuisance. Lots improved with single-family dwellings or two family dwellings shall also provide parkway landscaping, sodded or seeded turf grass or an approved pervious vegetative ground cover (or a combination of both); and,
 - an approved shade tree with a minimum trunk size of two inches (2”) in diameter as measured six inches above the ground planted within the required front yard setback; and,
 - nine (9) evergreen or deciduous shrubs at a minimum of twenty-four inches (24”) in height, planted within the required front yard setback; and,
 - parkway landscaping including sodded or seeded turf grass, as specified above, and one approved shade tree with a minimum trunk size of two inches (2”) measured six inches above the ground, evenly spaced not more than forty feet (40’) apart. The total number of trees required in the parkway is the equivalent of the length of the street frontage divided by forty (40) **or**

- a landscape package approved by the City Manager or his designee provided by the developer or builder.*

*Ord. No. 14700, Rev. 05/18/04

The landscaping must be installed within two planting seasons following issuance of the certificate of occupancy and maintained in such manner as to not constitute a nuisance. The term “planting season” shall mean the following Spring or Fall planting season after occupancy.

- B. For all other uses, parkway landscaping, lot perimeter landscaping, parking area landscaping, detention/retention basin landscaping and refuse area screening shall be provided as set forth in this Section or as may be otherwise specified in an approved Landscape Plan.

4. **Parkway Landscaping**

Parkways shall be fine-graded and seeded or sodded with turf grass. Parkway trees shall be provided as follows:

- A. Parkway trees shall have a minimum trunk size of two inches (2") in diameter as measured six inches above the ground.
- B. Unless otherwise approved in writing by the City Manager or his designee, parkway trees shall be evenly spaced not more than forty feet (40') apart. The total number of trees required in the parkway is the equivalent of the length of the street frontage divided by forty (40).
- C. Parkway trees shall be alternated so that no more than five (5) trees of the same species are planted adjacently. No more than twenty percent (20%) of any one variety shall be used at the site.
- D. Parkway trees shall be limited to species set forth in this Section and approved by the City Manager, or his designee.
- E. Parkway trees to be provided pursuant to the regulations and located in conflict with existing overhead utilities, shall be limited to the following ornamental species: Crabapple, Ornamental Pear (excluding Bradford Pear), or other species approved by the City Manager, or his designee. Such trees shall have a minimum trunk diameter of not less than two inches (2") (measured twelve inches (12") above ground level).
- F. A listing of the number and species of parkway trees to be provided pursuant to these regulations shall be submitted along with the required landscaping plan and approved by the City Manager or his designee.

Ord. #14918, dated 12/07/04

5. **Perimeter Landscaping**

Non-residential developments, including off-street parking areas, shall provide landscaping around the perimeter of the lot or parcel being developed as follows:

- A. A non-residential use abutting property zoned for a non-residential use shall be landscaped as follows:
1. A landscaped area not less than ten feet (10') wide shall be provided around the perimeter of the lot or parcel adjacent to any public right of way.
 2. A landscaped area not less than five feet (5') wide shall be provided round the perimeter of the lot or parcel adjacent to a non-residential use within public accessible space and parking areas, except in areas of automotive ingress and egress.
 3. At least fifty percent (50%) of the required landscape area shall be landscaped with trees and shrubs. Plant materials shall consist of approximately twenty-five percent (25%) evergreen trees or ornamental trees at least six feet tall, twenty-five percent (25%) shade trees at least two inches (2") in caliper and fifty percent (50%) evergreen and deciduous shrubs at least two feet (2') tall. In the alternative, such landscaping may consist of at a minimum two (2) evergreen or ornamental trees, one (1) shade tree and ten (10) evergreen or deciduous shrubs for every one hundred linear feet (100') of perimeter. Whenever possible, berms (no greater than 3:1) should be used in conjunction with the landscaping. All measurements shall be determined as of the date of planting.
 4. Except where occupied by planting beds and trees, all perimeter landscaping areas shall be sodded or seeded with turf grass.
- B. A non-residential use abutting property zoned for a residential use shall be landscaped as follows:
1. A landscaped area at least fifteen feet (15') wide shall be provided around the perimeter of the lot or parcel containing the non-residential use.
 2. Landscape screening at least six feet (6') in height above grade and in a design approved by the City Manager or his designee shall be provided along the length of the abutting property line. This landscaping is in addition to the installation of a six-foot (6') minimum height decorative fence approved by the City Manager or his designee. If determined necessary by the City Manager or his designee due to topographical changes between the abutting properties, the minimum height of the required screening may be increased. Plant materials shall consist of approximately twenty-five percent (25%) evergreen trees at least six feet (6') tall, twenty-five percent (25%) ornamental trees at least two inches (2") in caliper or clumps six feet (6') tall and fifty percent (50%) evergreen and deciduous shrubs at least three (3') feet tall. Shade trees shall be provided at the equivalent of not more than forty feet (40') apart. Shade trees may be clustered or spaced linearly. The total number of trees required in the easement is the equivalent of the length of the property line divided by forty (40). In the alternative, such landscaping

may consist of at a minimum three (3) ornamental trees, three (3) evergreen trees, five (5) evergreen or deciduous shrubs and two (2) shade trees for every one hundred linear feet (100') of perimeter. All measurements shall be determined as of the date of planting. Whenever possible, berms (no greater than 3:1) should be used in conjunction with the landscaping.

3. Except where occupied by planting beds and trees, all perimeter landscaping areas shall be sodded or seeded with turf grass.

C. Multi-family residential developments shall be landscaped as follows:

1. A landscaped area not less than ten feet (10') wide shall be provided along the back, sides and parking areas adjacent to any public or private right of way of the lot or parcel containing the multi-family development.
2. A landscaped area not less than twenty feet (20') wide shall be provided around the perimeter of the lot or parcel containing the multi-family development abutting a single-family zoning district. A berm (no greater than 3:1) should be used in conjunction with the landscaping.
3. At least fifty percent (50%) of the required landscape area shall be landscaped with trees and shrubs. Plant materials shall consist of approximately fifty percent (50%) evergreen trees and ornamental trees at least six feet (6') tall and fifty percent (50%) evergreen and deciduous shrubs at least three feet (3') tall. Shade trees shall be provided at the equivalent of not more than forty feet (40') apart. Such trees may be clustered or spaced linearly. The total number of trees required in the area is the equivalent of the length of the property line divided by forty (40). In the alternative, such landscaping may consist of at a minimum one (1) evergreen tree, one (1) ornamental tree, ten (10) evergreen or deciduous shrubs and two (2) shade trees for every one hundred linear feet (100') of perimeter.
4. Except where occupied by planting beds and trees, all landscaping areas shall be sodded or seeded with turf grass.
5. Building perimeter landscaping the equivalent of at least eight feet (8') wide along one hundred percent (100%) of all building facades except in areas of ingress and egress shall be provided. Plant materials shall consist of approximately thirty percent (30%) evergreen trees and shrubs and seventy percent (70%) ornamental trees and deciduous shrubs. The evergreen and ornamental trees should be at least five feet (5') tall and the evergreen and deciduous shrubs should be eighteen to twenty-four inches (18" to 24") tall.
6. A comprehensive landscape plan reflecting the above shall be provided for the entire site area at the time of building permit submittal for existing lots and at time of Preliminary Plat and Planned Unit Development submittal for proposed development.

6. Landscaping of Off-Street Parking Areas

All off-street parking areas designed for ten or more parking spaces, except parking of inventory for motor vehicle sales, shall provide landscaping in accordance with the following requirements.

- A. The interior of off-street parking areas shall be landscaped as follows:
 - 1. Landscape islands, with barrier curb, shall be located at the end of each parking row and provided within the parking area to divide a parking row so that no more than twenty (20) adjacent parking spaces are located in any length of a single parking row without a landscaping area.
 - 2. Landscape islands shall be a minimum of one hundred thirty (130) square feet in area and a minimum of eight feet (8') wide, as measured from back of curb to back of curb. Landscaped medians shall be a minimum of five feet (5') wide.
 - 3. One shade tree of a minimum of two inches (2") in diameter as measured six inches (6") above the ground shall be provided for each one hundred thirty (130) square feet of landscape island. A minimum of fifty percent (50%) of every landscape island shall be planted with live plant material, such as shrubs or ground cover to a maximum height of thirty inches (30") at maturity. The remaining area of the landscape island shall be covered with an approved turf grass and/or mulch material.
 - 4. To ensure proper visibility within the parking area, shrubs shall be no greater than thirty inches (30") in height and the branches of mature trees shall be maintained at a height no less than six feet (6') above the pavement.
 - 5. Trees and shrubs with thorns are prohibited within the parking area.
- B. All off-street parking areas shall be paved in accordance with Section 47-17.17 of the Joliet Zoning Ordinance, as amended, and shall be improved with barrier curbing around its perimeter, except in areas of ingress and egress.

7. Landscaping of Detention and Retention Basins

Landscaping shall be provided around the perimeter of detention/retention basins generally above the high water level. Only plants adapted to temporary flooding may be planted below the high water level. Such landscaping shall consist of at a minimum one (1) shade tree a minimum two inches (2") in diameter as measured six inches (6") above the ground, one (1) ornamental tree a minimum of six feet (6') tall and one (1) evergreen tree a minimum of six feet (6') tall for every one hundred linear feet (100') of perimeter, or part thereof, as measured at the high water level.

8. Landscaping of Residential and Nonresidential Developments Adjacent to Major and Minor Arterial Streets.

- A. A landscape easement shall be provided along all major and minor arterial streets. The easement shall be a minimum of 20' wide, and shall be included on the subdivision plat.
- B. A landscape easement shall be submitted that would include a minimum screening requirement of six feet (6') in height. The screening shall be accomplished with continuous berming (no greater than 3:1) and installation of plant material. At least fifty percent (50%) of the required landscape area shall be landscaped with trees. Plant materials shall consist of approximately fifty percent (50%) evergreen trees at least six feet tall and fifty percent (50%) shade trees at least two inches (2") in caliper or ornamental trees at least six feet (6') tall. In the alternative, such landscaping may consist of at a minimum three (3) evergreen trees and three (3) shade trees or ornamental trees for every one hundred linear feet (100') of perimeter. The use of shrubs are not required but encouraged. All measurements shall be determined as of the date of planting.

9. Screening of Refuse Disposal Areas

All refuse disposal and grease storage containers shall be screened on three sides by a solid commercial-grade wood fence, wall or equivalent material to a height of six feet (6'). The enclosure shall be used strictly for the confinement of refuse and grease containers and shall not be used for the outside storage of any other materials or equipment. The open side of said enclosure shall be gated or situated such that, to the greatest extent possible, it does not face toward an abutting property or public right of way. Properties improved with single family dwellings shall not be subject to this subsection.

10. Fencing in Front Yards of Non-Residential Properties

Chain link style fencing shall be prohibited in the front yard areas of all non-residential properties.

11. Fencing of City Center Properties

Only wrought iron style fencing shall be used in the front yard of properties in the City Center. For the purposes of this Ordinance, the City Center shall consist of the territory lying east of the Illinois Waterway, north of the Chicago, Rock Island and Pacific Railroad right of way and west of the Atchison, Topeka and Santa Fe railroad right of way and also those properties having frontage on either Scott Street or Columbia Street in the West Half of the Northwest Quarter of Section 10 of Township 35 North, Range 10 East of the Third Principal Meridian, Will County. Other materials may be approved by the City Manager or his designee in cases of undue hardship, practical difficulty.

12. Landscaping of Outdoor Storage Areas within Industrial Districts When Adjacent to Right-of-Ways

- A. A landscape easement screening outdoor storage areas (including equipment and truck parking areas) shall be provided along all adjacent public or private right-

of-ways. The easement shall be a minimum of twenty (20') wide, and shall be included on the subdivision plat or site plan.

- B. A landscape easement shall be submitted that would include a minimum screening requirement of six feet (6') in height. The screening shall be accomplished with a combination of berming (no greater than 3:1) and installation of plant material. This landscaping is in addition to the installation of an eight-foot (8') minimum height solid, decorative fence approved by the City Manager or his designee. If determined necessary by the City Manager or his designee due to topographical changes between the abutting properties, the minimum height of the required screening may be increased. At least fifty percent (50%) of the required landscape area shall be landscaped with trees and shrubs. Plant materials shall consist of approximately twenty-five percent (25%) evergreen trees at least six feet tall, twenty-five percent (25%) shade trees at least two inches (2") in caliper or ornamental trees at least six feet (6') tall and fifty percent (50%) evergreen and deciduous shrubs at least three feet (3') tall. In the alternative, such landscaping may consist of at a minimum one (1) evergreen tree, one (1) shade tree or ornamental tree and ten (10) evergreen or deciduous shrubs for every one hundred linear feet (100') of perimeter. All measurements shall be determined as of the date of planting.
- C. For existing storage yards adjacent to public or private right-of-ways, installation of an 8' minimum height decorative fence would be required within two (2) years of this adopted ordinance or if such properties are converted to another use or renovated above twenty-five percent (25%) of the fair cash value of the building as determined for property tax purposes. If determined necessary by the City Manager or his designee due to topographical changes between the abutting properties, the minimum height of the required screening may be increased.

13. Selection, Installation and Maintenance of Plant Materials

- A. Plant materials installed pursuant to this Section shall be of good quality and of species normally grown in Northeastern Illinois and shall be capable of withstanding the extremes of individual site microclimates. The size and density of selected plant materials at the time of planting and at maturity are additional criteria, which shall be considered in the Landscape Plan. All plant material shall be installed in accordance with the planting procedures established by the American Association of Nurserymen
- B. All landscape and plant materials installed pursuant to an approved Landscape Plan shall be properly maintained by the owner thereof. Plant materials, which die, including but not limited to, shrubs, trees and ground covers, shall be promptly replaced in compliance with the approved Landscape Plan.

14. Tree Preservation

- A. A Tree Survey shall be included in the Landscape Plan setting forth the location, size and species of all trees located on the lot or parcel having a trunk size of six inches (6") or greater measured five feet (5') above the ground.

- B. A Tree Preservation Plan shall be included in the Landscape Plan setting forth the location of those trees to be preserved and the methods to be used to preserve such trees. Every reasonable effort shall be made to retain the trees identified in the Tree Survey through the integration of the trees into the site plan of the proposed development. At a minimum, the Tree Preservation Plan shall specify the following preservation techniques:
1. Grading and construction equipment and materials shall not encroach upon the drip line of any tree to be preserved.
 2. Crushed limestone, or any other material harmful to trees, shall not be deposited within the drip line of any tree to be preserved or otherwise located in such a manner that is likely to adversely affect the health of a tree to be preserved.
 3. No materials or vehicles shall be stored, driven, or parked within the drip line of any tree to be preserved.
 4. Snow fencing, or an alternative temporary barrier approved by the City Manager, shall be installed at the drip line of each tree to be preserved.
 5. Trees to be preserved which may be adversely affected by construction activity shall be pruned or otherwise treated by a qualified arborist to compensate for expected root loss during construction.
 6. The above referenced items can be adjusted due to unique design or site conditions. The adjustments shall be addressed in the overall landscape plan submitted to the City.

15. Recommended Trees, Shrubs and Ground Cover

A. Large Deciduous Trees

Acer platanoides	Norway Maple
Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Fraxinus americana	White Ash
Fraxinus quadrangulata	Blue Ash
Fraxinus pennsylvanica	Green Ash
Gingko biloba	Gingko (male only)
Gleditsia tricanthos var. inermis	Thornless Honeylocust
Lirodendron tulipifera	Tuliptree
Quercus bicolor	Swamp White Oak
Quercus rubra	Red Oak
Tillia cordata	Little Leaf Linden

B. Large Evergreen Trees

Picea abies	Norway Spruce
Picea glauca	White Spruce

Picea pungens
Pinus nigra
Pinus strobus

Colorado Blue Spruce
Austrian Pine
White Pine

C. Small Deciduous Trees

Amelanchier canadensis
Amelanchier grandifolia
Carpinus caroliniana
Cercis canadensis
Cornus alternifolia
Cornus mas
Crataegus sp.
Malus sp.
Pyrus calleryana

Shadblow Serviceberry
Apple Serviceberry
American Hornbeam
Redbud
Pagoda Dogwood
Cornealian Cherry Dogwood
Hawthorn
Crabapple
Callery Pear

D. Large Deciduous Shrubs

Acer ginnala
Aesculus parvifolia
Cornus sp.
Cotoneaster apiculata
Euonymus alatus
Forsythia sp.
Hamamelis virginiana
Hamamelis vernalis
Syringa sp.
Viburnum dentatum
Viburnum lantana
Viburnum trilobum

Amur Maple
Bottebrush Buckeye
Dogwood
Peking Cotoneaster
Burning Bush
Forsythia
Common Witchhazel
Vernal Wichhazel
Lilac
Arrowwood *Viburnum*
Wayfaringtree *Viburnum*
Cranberrybush *Viburnum*

E. Large Evergreen Shrubs

Juniperus sp.
Thuja occidentalis var. 'Techny'
Taxus cuspidata 'Hicks'

Juniper
Techny Arborvitae
Hicks Upright Yew

F. Small Deciduous Shrubs

Euonymus alatus 'Compacta'
Forsythia bronxensis
Potentilla fruticosa
Ribes alpinum 'Green Mound'
Spiraea x burnaldia
Viburnum carlesii 'Compactum'

Compact Burning Bush
Bronx Forsythia
Potentilla
Green Mound Alpine Currant
Spiraea sp.
Koreanspice *Viburnum*

G. Small Evergreen Shrubs

Juniperus sp.
Pinus mugo

Juniper
Mugo Pine

Thuja sp.
Taxus sp.

Arborvitae
Yew

H. Ground Cover

Euyonumus fortunei 'Coloratus'
Hedera helix 'Thorndale'
Pachysandra terminalis
Vinca minor

Purpleleaf Wintercreeper
Thorndale English Ivy
Pachysandra
Periwinkle *

*Ordinance #12605, 1/4/00

SECTION 47-15F THE AUX SABLE CREEK PROTECTION AREA *

Ord. No. 14241; 032403

47-15F.1 Short Title

This ordinance shall be known and may be cited as the Aux Sable Creek Protection Ordinance.

47-15F.2 Purpose and Intent

It is the purpose and intent of the Aux Sable Creek Protection Ordinance to promote the health, safety and general welfare of persons residing near the Aux Sable Creek watershed and associated drainage areas and wetlands by providing for the protection, preservation, proper maintenance, and use of the Aux Sable Creek, including its East, Middle and West Branches (collectively referred to herein as the Aux Sable Creek). The ordinance is more specifically adopted:

- a. to prevent flood damage by preserving the storm and floodwater storage capacity of the Aux Sable Creek;
- b. to maintain the normal hydrologic balance of the Aux Sable Creek by storing and providing for infiltration of wet-period runoff in floodplains and wetlands, and releasing it slowly to the stream to maintain in-stream flow;
- c. to manage stormwater runoff and maintain natural runoff conveyance systems, and minimize the need for major storm sewer construction and drainageway modification;
- d. to improve water quality, both by filtering and storing sediments and attached pollutants, nutrients, and organic compounds before they drain into the Aux Sable Creek and by maintaining the natural pollutant-assimilating capabilities of the Aux Sable Creek;
- e. to protect shorelines and streambanks from soil erosion, using natural means and materials wherever possible;

- f. to protect fish spawning, breeding, nursery and feeding grounds;
- g. to protect wildlife habitat;
- h. to preserve areas of special recreational, scenic, or scientific interest, including natural areas;
- i. to maintain and enhance the aesthetic qualities of developing areas; and
- j. to encourage the continued economic growth and high quality of life of the Joliet community which depends in part on an adequate quality of water, a pleasing natural environment, and recreational opportunities.

47-15F.3 Definitions

- a. "*Armoring*" is a form of channel modification which involves the placement of materials (concrete, riprap, bulkheads, etc.) within a stream channel or along a shore line to protect property above the Aux Sable Creek from erosion and wave damage caused by wave action and stream flow.
- b. "*Aux Sable Creek Protection Area*" shall be the real property lying within one hundred (100) feet of an ordinary high water mark of the Aux Sable Creek, within twenty-five (25) feet of the upland edge of any wetland within the Aux Sable Creek watershed or within one hundred (100) feet of the center thread of any tributary to the Aux Sable Creek actually located in the 100-year floodplain.
- c. "*Bulkhead*" means a retaining wall that protects property along the Aux Sable Creek.
- d. "*Channel*" means that portion of the Aux Sable Creek lying within its ordinary high water marks.
- e. "*Channel modification*" or "*channelization*" means to alter the Aux Sable Creek by changing the physical dimension or materials of the channel. Channel modification includes damming, riprapping (or other armoring), widening, deepening, straightening, relocating, lining and significant removal of bottom or woody vegetation. Channel modification does not include the clearing of debris or trash from the Aux Sable Creek. Channelization is a severe form of channel modification involving a significant change in the channel cross-section and typically involving relocation of the existing channel (e.g. straightening).
- f. "*Control structure*" means a structure designed to control the rate of stormwater runoff that passes through the structure, given a specific upstream and downstream water surface elevation.

g. *"Culvert"* means a structure designed to carry drainage water or small streams below barriers such as roads, driveways, or railway embankments.

h. *"Depressional area"* means any area which is lower in elevation on all sides than surrounding properties (i.e. does not drain freely), or whose drainage is severely limited such as by a restrictive culvert. A depressional area will fill with water on occasion when runoff into it exceeds the rate of infiltration into underlying soil or exceeds the discharge through its controlled outlet. Large depressional areas may provide significant stormwater or floodplain storage.

i. *"Development"* means mean the construction, alteration or expansion of a building or structure, the making of improvements to land or an expansion or change in an existing principal land use, the subdivision of land. Agricultural use of land previously used for agricultural purposes does not constitute development. The following activities or uses shall be taken, for the purposes of this ordinance, to constitute development as defined herein:

1. any change in the intensity of use of land, such as an increase in the number of dwelling units on land, or a material increase in the site coverage of businesses, manufacturing establishments, offices, and dwelling units;
2. the commencement of drilling, except to obtain soil samples, or the commencement of mining, filling, excavation, dredging, grading or other alterations of the topography;
3. clearing of land as an adjunct of construction for residential, commercial or industrial use;
4. any other activity that might change the direction, height, or velocity of flood or surface waters.

j. *"Erosion"* means the general process whereby soils are moved by flowing water or wave action.

k. *"Filtered view"* means the maintenance or establishment of woody vegetation of sufficient density to screen developments from the Aux Sable Creek, to provide for stream bank stabilization and erosion control, to serve as an aid to infiltration of surface runoff, and to provide cover to shade the water. The vegetation need not be so dense as to completely block the view. Filtered view means no clear cutting.

l. *"Flood Plain"* shall mean that land typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Flood plains may also include detached Special Flood Hazard Areas, ponding areas, etc. The flood plain is also known as the Special Flood Hazard Area (SFHA). The flood plains are those lands within the jurisdiction of the City that are subject to

inundation by the base flood or 100-year frequency flood. The SFHA's of the City are generally identified as such on the Flood Insurance Rate Map of Will County prepared by the Federal Emergency Management Agency (or the U.S. Department of Housing and Urban Development) and dated March 17, 2003. The SFHA's of those parts of unincorporated territory that are within the extraterritorial jurisdiction of the City or that may be annexed into the City are generally identified as such on the Flood Insurance Rate Map prepared for Will County by FEMA and dated March 17, 2003.

m. *"Floodway"* means that portion of the floodplain required to store and convey the base flood. The floodway is the regulatory floodway as designated and regulated by the Federal Emergency Management Agency. The remainder of the floodplain which is outside the regulatory floodway is referred to as the flood fringe or floodway fringe.

n. *"Hydraulic characteristics"* means the features of a watercourse which determine its water conveyance capacity. These features include but are not limited to: size and configuration of the cross-section of the watercourse and floodway; texture and roughness of materials along the watercourse; alignment of watercourse; gradient of watercourse; amount and type of vegetation within the watercourse; and size, configuration, and other characteristics of structures within the watercourse. In lowlying area the characteristics of the overbank area also determine water conveyance capacity.

o. *"Lot"* means an area of land, with defined boundaries, that is designated in official assessor's records as being one parcel.

p. *"Lake or pond"* means any inland waterbody, fed by spring or surface water flow.

q. *"Natural"* in reference to watercourses means those stream channels, grassed waterways and swales formed by the existing surface topography of the earth prior to changes made by unnatural causes. A natural stream tends to follow a meandering path; its floodplain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no alteration of the course or cross-section of the stream caused by filling or excavating.

- r. "*Ordinary high water mark*" (OHWM) means the point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
- s. "*Qualified professional*" means a person trained in one or more of the disciplines of biology, geology, soil science, engineering, or hydrology whose training and experience ensure a competent analysis and assessment of stream, lake, pond and wetland conditions and impacts.
- t. "*Registered professional engineer*" means a professional engineer registered under the provisions of "The Illinois Professional Engineering Act" and any act amendatory thereof.
- u. "*Retention/detention facility*" means a facility that provides for storage of storm water runoff and controlled release of this runoff during and after a flood or storm.
- v. "*Runoff*" means the portion of precipitation on the land that is not absorbed by the soil or plant material and which runs off the land.
- w. "*Sedimentation*" means the processes that deposit soils, debris, and other materials either on other ground surfaces or in water bodies or watercourses.
- x. "*Setback*" means the horizontal distance between any portion of a structure or any development activity and the ordinary high water mark of the Aux Sable Creek measured from the structure's or development's closest point to the ordinary high water mark.
- y. "*Stream*" means a body of running water flowing continuously or intermittently in a channel on or below the surface of the ground. Topographic maps of the U.S. Geological Survey are one reference for identifying perennial and intermittent streams. For purposes of this ordinance, the term "stream" does not include storm sewers.
- z. "*Structure*" means anything that is constructed, erected or moved to or from any which is located above, on, or below the ground. Temporary recreational facilities including, but not limited to, tents, camper trailers, and recreation vehicles are not considered structures when used less than 180 days per year and located landward of the minimum setback provided as a natural vegetation strip.
- aa. "*Vegetation*" means all plant growth, especially trees, shrubs, mosses, and grasses.
- bb. "*Watercourse*" means any river, stream, creek, brook, branch, natural or artificial depression, ponded area, slough, gulch, draw, ditch, channel, conduit, culvert, swale, grass waterway, gully, ravine, wash, or natural or man-made drainageway, which has a definite channel, bed and banks, in or into which stormwater runoff and floodwater flow either regularly or intermittently.

cc. "Wetland" means those transitional lands between terrestrial and aquatic system where the water table is usually at or near the surface or the land is covered by shallow water that are designated as a protected wetland by any federal or state agency having competent jurisdiction. Classification of areas as wetlands shall follow the "Classification of Wetlands and Deepwater Habitats of the United States" as published by the U.S. Fish and Wildlife Service. For the purposes of this Ordinance, a wetland shall not include lands within or adjacent to man-made drainage channels located near roadways.

47-15F.4 Special Use Permit Required

The development of a lot or parcel containing territory located within the Aux Sable Creek Protection Area shall be prohibited except pursuant to a Special Use Permit issued in accordance with this Ordinance. In addition to any other requirement, a Special Use Permit shall not be issued unless the applicant establishes by clear and convincing evidence that:

- a. the development will not detrimentally affect or destroy the natural features of the Aux Sable Creek Protection Area, nor impair its natural functions, but will preserve and incorporate such features into the development's site;
- b. the location of natural features and the site's topography have been reasonably considered in the designing and siting of all physical improvements;
- c. adequate assurances have been received that the clearing of the site of topsoil, trees, and other natural features will not occur before the commencement of building operations;
- d. the development will not reduce the natural retention storage capacity of the Aux Sable Creek, nor unlawfully increase the magnitude and volume of flooding at other locations; and
- e. the soil and subsoil conditions are suitable for excavation and site preparation, and the drainage is designed to prevent erosion and environmentally deleterious surface run off;
- f. the development will not adversely and materially affect water quality; destroy, damage or disrupt significant habitat area; adversely affect drainage and/or stormwater retention capabilities; adversely affect flood conveyance and storage; lead to unstable earth conditions, create erosion hazards, or be materially detrimental to any other property in the area of the subject property or to the City of Joliet as a whole, including the loss of open space or scenic vistas;
- g. the development will result in the restoration of portions of the Aux Sable Creek Protection Area that were previously disturbed or damaged by development or agricultural land uses.

47-15F.5 Submissions

An application for a Special Use Permit shall be accompanied by the following information as specified herein:

General Provisions:

Site Plan	Section 47-15F.8
Aux Sable Creek Preservation Plan	Section 47-15F.9
Drainage Control Plan	Section 47-15F.10
Site Grading & Excavation Plan	Section 47-15F.11
Landscape Plan	Section 47-15F.12

Justification for Creek Relocation and Minor Modifications:

Creek Modification/Relocation Plan	Section 47-15F.14
Channel and Bank Armoring	Section 47-15F.15
Culverts	Section 47-15F.16
On-Stream Impoundments	Section 47-15F.17

47-15F.6 Review and Approval

An application for a Special Use Permit shall be reviewed in accordance with Section 47-5.2 of the Zoning Ordinance, except that the reviewing advisory body shall be the Plan Commission and not the Board of Appeals. In addition, the following procedures shall apply:

- a. The City Manager and the Plan Commission shall review each application for a Special Use Permit to determine its conformance with the provisions of this ordinance. The Mayor and City Council shall (a) approve the permit application by ordinance and if it is found to be in conformance with this ordinance,; (b) approve the permit application by ordinance subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance or (c) disapprove the permit application, indicating the deficiencies. In all cases, the Special Use Permit shall be subject to the condition that the applicant comply with the approved Submissions enumerated in Section 47-15F.5.
- b. A Special Use Permit shall not be issued unless the development has also received all other approvals that may be required by ordinance.

47-15F.7 Permitted Development Activity in the Aux Sable Creek Protection Area

A Special Use Permit granted under this Ordinance shall allow the following development activities:

- a. improvements such as landscaping and plantings, public or private open space, walkways, bike trails, benches, comfort stations, informational displays, directional signs, foot bridges, fences, observation decks, and docks;
- b. the maintenance, repair, replacement, and reconstruction of roads and bridges, gas and electrical transmission facilities and telecommunication lines, poles, and towers, municipal and public infrastructure, including underground water, sanitary sewer and stormwater facilities;
- c. the establishment and development of public and private parks and recreation areas, outdoor education areas, historic natural and scientific areas, game refuges, fish and wildlife improvement projects, wildlife preserves and watercraft launching ramps.
- d. filling and excavating necessary for the development of public facilities, recreational structures or similar items. The development and maintenance of roads, parking lots and other impervious surfaces necessary for permitted uses are allowed only on a very limited basis, and where no alternate location outside of the setback area is available.
- e. land surface modification within the minimum setback shall be permitted for the development of stormwater drainage swales between the developed area of the site (including a stormwater detention facility on the site) and the Aux Sable Creek. Detention basins within the setback are generally discouraged, unless it can be shown that resultant modifications will not impair water quality, habitat, or flood storage functions.
- f. filling or excavating within wetlands is not permitted except to install piers for the limited development of walkways and observation decks. Walkways and observation decks should avoid high quality wetland areas, and should not adversely affect natural areas designated in the Illinois Natural Areas Inventory or the habitat of rare or endangered species.
- g. other development activities specifically authorized in the Special Use Permit.

47-15F.8 Site Plan

A Site Plan shall be prepared by the applicant and submitted to the City Manager for any proposed development of a lot or parcel containing territory located within the Aux Sable Creek Protection Area. The Site Plan must indicate:

- a. dimension and area of parcel, showing also the vicinity of the site in sufficient detail to enable easy location in the field of the site for which the Special Use Permit is sought, and including the boundary line, underlying zoning, a legend, a scale, and a north arrow;

- b. location of any existing and proposed structures;
- c. location of existing or proposed on-site sewage systems and water supply systems;
- d. location of the Aux Sable Creek and its ordinary high water mark;
- e. location and landward limit of all wetlands;
- f. location of setback lines established by this ordinance;
- g. location of the regulatory floodway;
- h. location of existing or future roads;
- i. depiction of areas proposed for alterations;
- j. cross-sections and calculations indicating any changes in flood storage volumes;
- k. such other information as reasonably requested by the City Manager.

The applicant shall demonstrate that the proposed development activity will not endanger health and safety, including danger from the obstruction or diversion of flood flow. The applicant shall also demonstrate that the proposed development activity will not substantially reduce natural floodwater storage capacity, unnecessarily destroy or impair habitat for aquatic or other flora and fauna, adversely affect water quality or ground water resources, increase stormwater runoff velocity so that water levels on other lands are substantially raised or the danger from flooding unlawfully increased, or adversely impact any other natural stream, floodplain, or wetland functions, and is otherwise consistent with the intent of this ordinance.

A Site Plan shall not be required if no portion of the lot or parcel containing territory located within the Aux Sable Creek Protection Area is within one hundred feet of the OHWM of the Aux Sable Creek or within one hundred feet of the center thread of any tributary of the Aux Sable Creek actually located within the one hundred year floodplain.

47-15F.9 Aux Sable Creek Preservation Plan

An Aux Sable Creek Preservation Plan shall be prepared by the applicant and submitted to the City Manager for any proposed development of a lot or parcel containing territory located within the Aux Sable Creek Protection Area. The Preservation Plan shall include following components:

- a. *Natural Resource Inventory.* The Preservation Plan shall identify the land within the Area that is currently in a natural state and that portion of the site that has been altered or disturbed by development or agricultural land uses. All proposed

modifications to natural areas permitted under this Ordinance shall be described, including such items as pruning and improvements.

b. *Restoration of Natural Creek Features.* Undeveloped land within the Area that is not in a natural state shall be restored to a natural state. The creek bed and water flow in the Aux Sable Creek or its tributaries shall be modified where practicable to restore natural stream behavior, including, where practicable, the use of riffles and pools. The banks of the Aux Sable Creek or tributary shall also be stabilized where necessary.

c. *Plantings.* Restoration and stabilization shall be accomplished by vegetative plantings using accepted bioengineering techniques and with approved indigenous plants, brush, grasses, trees and other materials that comply with regulations issued by the City Manager. All Areas to be restored shall be seeded or planted with approved species in a timely manner and shall be maintained so as to avoid the growth of noxious weeds. Hardwood, conifer and brush species shall be utilized to establish a canopy cover.

d. *Creek Access.* The Preservation Plan shall provide public access to the Creek corridor along with linkage to other community transportation networks, including bicycle paths, hiking trails or public transportation. Trailheads shall be provided to link neighborhoods, parking areas and streets to the Aux Sable Creek where practicable. The contribution of land required by the Subdivision Regulations for park purposes shall include the land within the Aux Sable Creek Protection Area unless otherwise approved by the Mayor and City Council, provided that reasonable efforts shall be made to locate additional park lands outside the floodplain.

e. *Recreational Elements.* The Preservation Plan shall provide for passive and active uses including linear parks, open spaces and bike and hiking trail systems. These improvements shall be coordinated with nearby public and private facilities. All site improvements included in the Plan to be located on or dedicated to a public agency shall be considered as public improvements within the meaning of the Subdivision Regulations.

An Aux Sable Creek Preservation Plan shall not be required if no portion of the lot or parcel containing territory located within the Aux Sable Creek Protection Area is within one hundred feet of the OHWM of the Aux Sable Creek or within one hundred feet of the center thread of any tributary of the Aux Sable Creek actually located within the one hundred year floodplain.

47-15F.10 Drainage Control Plan

A drainage control plan that describes the hydraulic characteristics of the site as well as the proposed drainage plan shall be submitted. Runoff from areas of concentrated impervious cover (e.g., roofs, driveways, streets, patios, etc.) shall be collected and transported to a drainageway with sufficient capacity to accept the discharge without undue erosion or detrimental impact. The development shall comply with the

Stormwater Management Regulations set forth in Section 31-205 of the Code of Ordinances.

47-15F.11 Site Grading and Excavation Plan

a. The site proposed for development shall be investigated to determine the soil and geologic characteristics, including soil erosion potential. The development shall be subject to the Soil Erosion and Sedimentation Control Regulations set forth in Sections 31-206 and 31-207 of the Code of Ordinances. In addition, a Site Grading And Excavation Plan shall be submitted with each application for a Special Use Permit and shall include the following:

1. details of the existing terrain and drainage pattern contours;
2. proposed site contours;
3. dimensions, elevation and contours of grading, excavation and fill;
4. a description of methods to be employed in disposing of soil and other material that is removed from allowable grading and excavation sites, including location of the disposal site if on the property;
5. a schedule showing when each stage of the project will be completed, including the total area of soil surface to be disturbed during each stage, and estimated starting and completion dates. The schedule shall be prepared so as to limit, to the shortest possible period, the time soil is exposed and unprotected. In no case shall the existing natural vegetation be destroyed, removed or disturbed more than fifteen (15) days prior to initiation of the improvements; and
6. a detailed description of the re-vegetation and stabilization methods to be employed, to be prepared in conjunction with the Landscape Plan. This description should include locations of erosion control measures such as sedimentation basins, straw bales, diversion swales, etc. The grading and excavation plan must be consistent with all the provisions of this ordinance.

b. Unless otherwise provided in this Ordinance, the following restrictions, requirements and standards shall apply to all development within the Area:

1. every effort shall be made to develop the site in such a manner so as to minimize the alteration of the natural topography;

2. no grading, filling, cleaning, clearing, terracing or excavation of any kind shall be initiated until final engineering plans are approved and the Special Use Permit is granted by the Mayor and City Council; and
3. the depositing of any excavation, grading or clearing material within the Aux Sable Creek or any wetland shall be prohibited.
4. In addition to locating all site improvements on the subject property to minimize adverse impacts on the Aux Sable Creek, the applicant shall install a physical barrier during construction, and following completion of the project, where necessary, to prevent direct runoff and erosion from any modified land surface the Aux Sable Creek.

47-15F.12 Vegetation and Re-vegetation/Landscape Plan

To preserve or restore the natural state of the Aux Sable Creek, to minimize erosion, stabilize the streambank, protect water quality, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen man-made structures, and also to preserve aesthetic values of the natural water course and wetland areas, a natural vegetation strip shall be restored, established, preserved and maintained along the edge of the Aux Sable Creek and any wetland located within the watershed of the Aux Sable Creek. The natural vegetation strip shall extend landward a minimum of 25 feet from the ordinary high water mark of the Aux Sable Creek, any tributary thereof actually located within the floodplain or any wetland within the watershed of the Aux Sable Creek

Within the natural vegetation strip, trees, grasses and shrubs may be selectively pruned or removed for harvest of merchantable timber, to achieve a filtered view of the Aux Sable Creek or wetland from the principal structure and for reasonable private access. Said pruning and removal activities shall ensure that a live root system stays intact to provide for streambank stabilization and erosion control.

A Landscape Plan shall be submitted with each Special Use Permit application for development activity within the Aux Sable Creek Protection Area and contain the following:

- a. a plan describing the existing vegetative cover of the property and showing those areas where the vegetation will be removed as part of the proposed construction; and
- b. a plan describing the proposed re-vegetation of disturbed areas specifying the materials to be used.
- c. the vegetation must be planned in such a way that access for stream maintenance purposes is not prevented.

47-15.F.13 Conditions and Restrictions for Permitting Stream Modification

Stream modification , when permitted, is subject to the following conditions and restrictions:

- a. water quality, habitat and other natural functions must be significantly improved by the modification; no significant habitat area may be destroyed;
- b. the amount of flow and velocity of a stream is not to be increased or decreased as the stream enters or leaves a subject property, unless this reflects an improvement over previous conditions in terms of reduced flooding, reduced erosion, or enhanced low-flow conditions;
- c. prior to diverting water into a new channel, a qualified professional approved by the City Manager shall inspect the stream modification, and issue a written report to demonstrating the modified stream complies with the requirements in Section 7.02; and
- d. stream channel enlargement, or other modifications that would increase conveyance, shall not be permitted if the intended purpose is to accommodate development activities in the floodplain.

47-15F.14 Creek or Tributary Relocation Plan

Creek or tributary relocation may be permitted in accordance with a Relocation Plan which provides for:

- a. the creation of a natural meander pattern, pools, riffles, and substrate;
- b. the formation of gentle side slopes (at least three feet horizontally per one foot vertically), including installation of erosion control features;
- c. the utilization of natural materials wherever possible;
- d. the planting of vegetation normally associated with streams, including primarily native riparian vegetation;
- e. the creation of spawning and nesting areas wherever appropriate;
- f. the re-establishment of the fish population wherever appropriate;
- g. the restoration of water flow characteristics compatible with fish habitat areas, wherever appropriate;
- h. the filling and revegetation of the prior channel;
- i. a proposed phasing plan, specifying time of year for all project phases;
- j. plans for sediment and erosion control; and

- k. establishment of a low-flow channel which reflects the conditions of a natural stream.

47-15F.15 Criteria for Permitting Armoring of Channels and Banks

Armoring in the form of bulkheads, riprap or other materials or devices is not permitted except in accordance with the following:

- a. significant erosion cannot be prevented in any other way and the use of vegetation and gradual bank slopes has not sufficiently stabilized the shoreline or bank;
- b. the bulkhead or other device is not placed within a wetland;
- c. the bulkhead, riprap or other device will minimize the transmittal of wave energy or currents to other properties; and
- d. the change in the horizontal or vertical, configuration of the land must be kept to a minimum;
- e. utilization of accepted bioengineering technologies where appropriate.

47-15F.16 Criteria for Permitting the Use of Culverts

Culverts are not permitted in the Aux Sable Creek except in accordance with the following:

- a. where a culvert is necessary for creating or improving access to a property or as part of a public road;
- b. the culvert shall allow passage of fish inhabiting the stream, and accommodate the 100-year flood event without increasing upstream flooding, except where a restricting culvert is desirable as part of an overall storm and floodwater management plan;
- c. the culvert shall be maintained free of debris and sediment to allow free passage of water and fish; and
- d. the creek bed shall not be significantly widened for the placement of a culvert as this increases siltation; if multiple culverts must be installed, one culvert should be at the level of the bottom of the stream and the others at or above normal water elevation.

47-15F.17 Criteria for Permitting On-Stream Impoundments

Impoundment of the Aux Sable Creek is not permitted except in accordance with the following:

- a. the impoundment is determined to be in the public interest by providing regional stormwater detention, flood control, or public recreation;
- b. the impoundment will not prevent the upstream migration of fish;
- c. a non-point source control plan has been implemented in the upstream watershed to control the effects of sediment runoff as well as minimize the input of nutrients, oil and grease, metals, and other pollutants;
- d. impoundments without permanent low-flow pools are preferred except where a permanent pool is necessary to achieve the intended benefits of the impoundment (e.g. recreation or water quality mitigation); and
- e. impoundment design shall include gradual bank slopes, appropriate bank stabilization measures, and a pre-sedimentation basin.

47-15F.19 Wetland Protection and Replacement

- a. Except as provided herein, no filling or excavating within wetlands is permitted except to install piers for the limited development of walkways and observation decks. Walkways and observation decks shall avoid high quality wetland areas, and shall not adversely affect natural areas designated in the Illinois Natural Areas Inventory or the habitat of rare or endangered species.
- b. Wetland areas occupied by the development of decks and walkways must be mitigated by an equal area of wetland habitat improvement.
- c. Modification of degraded wetlands for purposes of stormwater management is permitted where the quality of the wetland is improved and total wetland acreage is preserved. Where such modification is permitted, wetlands shall be protected from the effects of increased stormwater runoff by measures such as detention or sedimentation basins, vegetated swales and buffer strips, and sediment and erosion control measures on adjacent developments. The direct entry of storm sewers into wetlands shall be prohibited.
- d. Pursuant to Special Use Permit, wetlands within the Aux Sable Creek watershed may be relocated and replaced in accordance with applicable federal and state law provided that the size of the replacement wetland shall 150% of the size of the original wetland.

47-15F.20 Maintenance Easement

The applicant shall grant an access easement for stream maintenance purposes to the City of Joliet if the development does not contain other land adjacent to the Aux Sable Creek dedicated to the City of Joliet.

47-15F.21 Nonconforming Uses

Nonconforming uses shall be regulated in accordance with Section 47-17.22 of the Zoning Ordinance of the City of Joliet.

47-15F.22 Variations

The Mayor and City Council may grant one or more variations from the requirements of this Ordinance upon the demonstration by the applicant of clear and convincing evidence that enforcement of this ordinance would cause an undue hardship on the affected property or would impose an unreasonable economic burden on the property that outweighs the corresponding benefit to the public afforded by the restriction. Variances shall be granted by the Mayor and City Council upon the advice of the Plan Commission.

Schedule of Yard and Lot Requirements

ZONING DISTRICT	NO. OF STORIES	MIN. LOT AREA	LOT AREA PER FAMILY	MIN. LOT WIDTH	MIN. FRONT YARD	MIN. REAR YARD	MIN. SIDE YARD	SUM OF SIDE YARD
R-1	1-1 ½	10,000 sq ft	10,000 sq ft	75 ft.	30 ft.	25 ft.	8 ft.	20 ft.
	2-2 ½	10,000 sq ft	10,000 sq ft	75 ft.	30 ft.	25 ft.	10 ft.	25 ft.
R-1A	1-1 ½	8,000 sq. ft.	8,000 sq. ft.	65 ft.	30 ft.	25 ft.	6 ft.	15 ft.
	2-2 ½	8,000 sq. ft.	8,000 sq. ft.	65 ft.	30 ft.	25 ft.	8 ft.	20 ft.
R-1B	1-1 ½	9,100 sq. ft.	9,100 sq. ft.	75 ft.	30 ft.	25 ft.	6 ft.	15 ft.
	2-2 ½	9,100 sq. ft.	9,100 sq. ft.	75 ft.	30 ft.	25 ft.	8 ft.	20 ft.
R-2	1-1 ½	7,500 sq. ft.	7,500 sq. ft.	60 ft.	30 ft.	25 ft.	6 ft.	15 ft.
	2-2 ½	7,500 sq. ft.	7,500 sq. ft.	60 ft.	30 ft.	25 ft.	8 ft.	20 ft.
R-2A	1-1 ½	4,800 sq. ft.	4,800 sq. ft.	38 ft.	25 ft.	25 ft.	5 ft.	10 ft.
R-3 Single-Family	1-1 ½	7,500 sq. ft.	7,500 sq. ft.	60 ft.	30 ft.	25 ft.	6 ft.	15 ft.
	2-2 ½	7,500 sq. ft.	7,500 sq. ft.	60 ft.	30 ft.	25 ft.	8 ft.	20 ft.
Two-Family	1-1 ½	7,000 sq. ft.	3,500 sq. ft.	50 ft.	25 ft.	25 ft.	5 ft.	12 ft.
	2-2 ½	7,000 sq. ft.	3,500 sq. ft.	50 ft.	25 ft.	25 ft.	6 ft.	14 ft.
R-4 Single-family	1-1 ½	7,500 sq. ft.	7,500 sq. ft.	60 ft.	30 ft.	25 ft.	6 ft.	15 ft.
	2-2 ½	7,500 sq. ft.	7,500 sq. ft.	60 ft.	30 ft.	25 ft.	8 ft.	20 ft.
Two-Family	1-1 ½	7,000 sq. ft.	3,500 sq. ft.	50 ft.	25 ft.	25 ft.	5 ft.	12 ft.
	2-2 ½	7,000 sq. ft.	3,500 sq. ft.	50 ft.	25 ft.	25 ft.	6 ft.	14 ft.
Multi-Family	1-1 ½	5,000 sq. ft.	2,500 sq. ft.	50 ft.	25 ft.	25 ft.	5 ft.	12 ft.
	2-2 ½	5,000 sq. ft.	2,500 sq. ft.	50 ft.	25 ft.	25 ft.	6 ft.	14 ft.
R-5 Single-family	1-1 ½	7,500 sq. ft.	7,500 sq. ft.	50 ft.	25 ft.	25 ft.	6 ft.	15 ft.
	2+	7,500 sq. ft.	7,500 sq. ft.	50 ft.	25 ft.	25 ft.	8 ft.	20 ft.
Two-Family	1-1 ½	7,000 sq. ft.	3,500 sq. ft.	50 ft.	25 ft.	25 ft.	5 ft.	12 ft.
	2+	7,000 sq. ft.	3,500 sq. ft.	50 ft.	25 ft.	25 ft.	6 ft.	14 ft.
Multi-Family	All	5,000 sq. ft.	2,500 sq. ft.	50 ft.	25 ft.	25 ft.	See Section 47-9.4	See Section 47-9.4

ARTICLE VII

47-17.1 GENERAL REGULATIONS:

Except as herein provided, no building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used:

(1) Except for a purpose permitted in the district in which the building or land is located.

(2) Except in conformance to the height or bulk limits established herein for the district in which the building or use is located.

(3) Except in conformance to the yard and lot regulations of the district in which the building or use is located.

(4) Except in conformance to the off-street parking and off-street loading space regulations of the district in which the building or use is located.

(5) Unless such building or structure is located on a lot as herein defined and in no case shall there be more than one main building on a lot except as specifically provided in the Planned Unit Developments.

47-17.2 EASEMENTS, COVENANTS AND AGREEMENTS:

It is not intended by this Chapter to interfere with, abrogate, or annul any easements, covenants or other agreement between parties, provided, however, that where this Chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provision of this Chapter shall govern.

47-17.3 YARDS REQUIRED FOR CORNER AND THROUGH LOTS:

(1) On a corner lot in any "R" District, or a corner lot adjoining an "R" District, the least width of a side yard along the side street line on such corner lot shall be $\frac{2}{3}$ of the minimum front yard required by this Ordinance along such side street, or twenty (20) feet, whichever is greater.

(2) A rear yard shall be provided parallel to and opposite from the front yard.

(3) On through lots the front yard requirements shall apply to all street frontages.

47-17.4 CORNER LOT ACCESSORY BUILDING:

Where a corner lot adjoins the side lot line of a lot in a residential district, no part of any accessory building within twenty-five (25) feet of the common lot line shall be nearer the street bounding the side lot line than the least depth of any front yard required along such side street, except that in the case of a narrow lot where compliance would give impractical depth to a private garage, a garage may be constructed as near to such street lot line as will give a practical depth, but in no case shall such garage project beyond the building to which it is accessory, be closer than three feet to a common lot line, be located closer than ten (10) feet to the rear lot line of the lot on which it is to be located or permit a garage building over twenty-four (24) feet in depth.

47-17.5 GARAGES:

In any residential zone, no garage shall be erected within a required side yard. When located at least sixty feet from the front property line and completely to the rear of the main dwelling, the garage may be erected not less than three feet from the side or rear lot lines, provided, that when access to the garage is from an alley, such garage shall be located not less than ten feet from the alley.

When located less than sixty (60) feet from the front property line and not completely to the rear of the dwelling, garages shall be constructed as a part of the main building or connected thereto by a covered breezeway.

47-17.6 HEIGHTS OF FENCES:

(1) Front yard fences, walls, hedges or plantings: Fences, walls or hedges shall be allowed up to a height of four feet in any required front yard except where such fence, wall or hedge would violate the provisions of subsection (4) of this section.

(2) Side and rear yard fences, walls, hedges or plantings: Fences constructed within a side or rear yard shall not be higher than six (6) feet except provided herein.

(3) Side yard fences, walls, hedges or plantings on corner lots: Any fence, wall, hedge or planting extending into a required side yard along the side street line shall be governed by the regulations covering fences, walls, hedges, or plantings in required front yards in subsection (1) above.

(4) To protect visibility of automotive traffic, cyclists, riders, and pedestrians: No substantial impediment to visibility between heights of two and one-half (2 1/2) feet and seven (7) feet above the centerline of grades shall be created or maintained at the intersection of any two (2) streets within the triangular areas described as follows: Beginning at the intersection of the edges of the rights-of-way (projected if corners are rounded), thence 46 feet along the edges of both rights-of-way, and thence along a line connecting these points. Also, no substantial impediment to visibility between the heights of two and one-half (2 1/2) feet and seven (7) feet above the centerline of grades shall be created or maintained at the intersection of any driveway or vehicular entrance or exit with any street within triangular areas as follows:

Beginning at the intersection of the edges of driving surfaces (projected if the corners are rounded), thence twenty-five (25) feet along both intersecting edges, and thence along a line connecting these points.

(5) A substantial impediment of visibility shall be defined as any fence, wall, hedge, planting or other obstacle which due to its nature, substantially blocks the view of approaching vehicular, cyclist, or pedestrian traffic.

(6) In case of conflict between the requirements of Section 47-14.9 and 47-17.6, the height requirements of 47-14.9 shall govern, however, any visual screening required pursuant to 47-14.9 and 47-14.10(3)(c) shall not be located so as to obstruct visibility in the area described in Section 47-17.6(4).

(7) Notwithstanding the provisions of subsection (1), the City Manager may direct the Building Inspector to issue a permit to erect a fence in a required front yard which is greater than four feet in height, but less than six feet in height, provided the applicant submits written evidence credible to the City Manager that none of the owners of property adjacent to the required front yard object to such a fence. *

* Ord. 11969, 7/7/98

47-17.7 REMOVAL OF SOIL, SAND OR OTHER MATERIAL:

The use of land for the removal of topsoil, sand or other material from the land other than materials from basement excavations is not permitted in any zone except under a temporary permit from the Zoning Board of Appeals; this permit may be denied or issued in appropriate cases after the filing of an application accompanied by a suitable agreement or bond that such removal will not cause stagnant water to collect or leave the surface of the land, at the expiration of such permit, in an unstable condition or unfit for the growing of turf or for other land uses permitted in the district in which such removal occurs.

47-17.8 ESSENTIAL SERVICES:

Essential services shall be allowed in any district insofar as permitted, authorized or regulated by law or other ordinance.

Buildings required in conjunction with an essential service may be permitted in any district subject to the yard, height and bulk regulations of the district in which it is located.

47-17.9 EXTERNAL EFFECTS:

No land, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard, noise, brilliant light, vibration, smoke, dust, fumes, odor or other form of air pollution, heat, cold, dampness, electrical or electronic disturbance, nuclear radiation or any other condition, substance or element to any person or property outside of the premises on which such building, structure or use is located; such uses when lawfully permitted under the

provisions of this Ordinance shall be operated in a manner so as to insure that the property rights of all other parcels of land will not be adversely affected to the extent of reducing the enjoyment of property rights thereon.

47-17.10 OUTDOOR STORAGE AND WASTE DISPOSAL:

Every use shall be operated in accord with the following provisions:

(1) No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground except in a general or heavy industrial district. Tanks or drums of fuel directly connected with heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.

(2) All outdoor storage facilities for fuel, raw materials and products shall be enclosed by a fence, wall or planting to conceal such facilities from adjacent residential property.

(3) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by wind, flood or natural causes or forces.

(4) All materials or wastes which might cause fumes, dust or which constitute a fire hazard or which may be edible or attractive to rodents or insects shall be stored outdoors only in closed containers constructed of impervious material.

47-17.11 PROJECTIONS INTO REQUIRED YARDS:

(1) Chimneys, flues, sills, pilasters, cornices, eaves, gutters and other similar features may project into a required yard a maximum of eighteen inches.

(2) Front yards: No structure may project into a required front yard, however, unroofed porches and steps may extend from the dwelling into the required front yard a maximum of ten feet.

47-17.12 EXCEPTIONS TO HEIGHT LIMITATIONS:

Chimneys, domes, spires and necessary mechanical appurtenances may exceed district height limitations. Public, semi-public or public service buildings, hospitals, institutions, or schools, where permitted may be erected to a height not exceeding ninety (90) feet when the required side and rear yards are each increased by one foot for each foot of additional building height above the height regulations for the district in which the building is located.

47-17.13 MINIMUM DWELLING SIZE:

All dwelling units intended for human habitation shall provide the minimum amount of floor area according to the following schedule:

- (1) Efficiency apartments: 220 square feet of floor area.
- (2) One bedroom dwelling units: 450 square feet of floor area.
- (3) Two bedroom dwelling units: 600 square feet of floor area.

(4) Three bedroom dwelling units: 800 square feet of floor area.

No residential dwelling unit shall include any area contained in a cellar, basement or garage for floor area computation.

47-17.14 TEMPORARY USES:

In any district, subject to the conditions stated below, the Enforcing Officer may issue a permit for the following temporary uses:

(1) Temporary building or yard for construction office, material or equipment, provided such use is adjacent to the construction site and removed when construction is completed. Each permit shall be valid for six months and may be renewed if construction is underway and shall be removed when construction is completed or discontinued for more than 30 days.

(2) Temporary office incidental and necessary to real estate sales and rentals. Each permit shall be valid for one year and may be renewed for one additional year if conditions warrant such renewal.

(3) Buildings and yard locations shall be subject to such conditions and safeguards as the Enforcing Officer may deem necessary to preserve the character of the surrounding area.

(4) Gatherings under canvas or in open: Religious service, public meeting, except that if located within 400 feet of any residential area, no permit will be issued unless there is first filed with the building commissioner the written consent of the owners of sixty percent (60%) of all residentially used property within four-hundred (400) feet from the place of such meeting.

47-17.15 MAJOR STREET SETBACKS:

No building or structure shall hereafter be constructed nearer than eighty (80) feet from the centerline of any road designated as a major or minor arterial on the Official Street Classification Map or nearer than sixty (60) feet from the centerline of any street designated as a collector on the same above-mentioned map. The Official Street Classification Map, together with the Traffic Circulation Policy statements, are hereby made a part of this Ordinance. However, the Board of Appeals may vary this requirement when strict adherence would result in a property being unusable for a permitted use in the district involved to the degree that the property in question would be rendered without value.

47-17.16 OFF-STREET LOADING REGULATIONS:

On the same premises with every building or structure or part thereof, erected and occupied for commerce, hotel, hospital, mortuary, laundry, dry cleaning, industry, public assembly or other similar uses involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys which shall be provided in conformance to the following:

(1) General provisions:

(a) Screening: Off-street loading spaces that adjoin or are across a street or alley from property zoned for any residential use shall have a dense evergreen planting, fence, masonry wall or such other screening as may be determined by the Board of Appeals. The Board of Appeals shall also determine the height, location and density of screening used to provide adequate protection to adjoining property.

(b) Entrances and Exits: Off-street loading spaces shall be provided with entrances and exits not less than twelve (12) feet in width and so located as to minimize traffic congestion.

(c) Dimensions: Each off-street loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height, exclusive of access drives.

(d) Projection into yards: Off-street loading space may occupy all or any part of any required rear yard space.

(2) Amount of Loading Space Required: The minimum amounts of off-street loading space shall be provided according to the table below. An area adequate for maneuvering, ingress and egress shall be provided in addition to required loading space.

Square Feet of Gross Floor Area	Required Number of Spaces
(a) Up to 20,000 square feet	1
(b) 20,001 to 40,000 square feet	2
(c) 40,001 to 70,000 square feet	3
(d) 70,001 to 120,000 square feet	4
(e) 120,001 to 200,000 square feet	5

For each additional 100,000 square feet, one additional loading space.

47-17.17 OFF-STREET PARKING REGULATIONS:

Hereafter no parking lot or building shall be erected or altered and no land used unless there be provided adequate off-street parking space or spaces for the needs of tenants, personnel and patrons together with means of ingress and egress. All uses, except for residential uses of any kind, in the area indicated as the "Central Business District" on the Official Zoning Map are exempt from all off-street parking space requirements. Residential uses in said District shall be subject to the off-street parking requirements as set forth in subsection (m) of this section.

(a) Off-street parking for other than residential uses shall be either on the same lot or within 300 feet of the property it is intended to serve, measured along dedicated streets. Ownership or lease of all lots or parcels intended for use as parking shall be held by the applicant as long as off-street parking is required for such principal building in accordance with the terms of this section.

(b) Off-street accessory parking permitted under paragraph (a) and not located on the same lot as the principal use, may be located in residential districts under the following conditions:

(1) That said lots or property be immediately adjacent to a business or industrial zoning district.

(2) That no vehicular access to said lot or property be permitted from any street frontage in a residential district, except that access drives will be permitted on a street which within the same block has frontage in the district in which the principal use is permitted and located.

(3) That all off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of ten (10) feet from any interior lot line, except if the adjoining lot is used for legal conforming parking purposes.

(4) That no parking shall be permitted between the street right-of-way line and the building line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area.

(5) That a dense evergreen planting or solidly constructed decorative fence shall be required and permanently maintained along the mutual boundary of the restricted accessory parking area and adjacent land zoned for residential uses except for the portion of such boundary located within a required front yard.

(c) Residential off-street parking spaces shall consist of a parking strip, driveway, garage or combination thereof and shall be located on the premises they are intended to serve.

(d) Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

(e) In the instance of dual function of off-street parking, spaces where operating hours of buildings do not overlap the Board of Appeals may grant an exception.

(f) The storage or sale of merchandise or the repair of vehicles is prohibited.

(g) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Enforcement Officer considers as being similar in type.

(h) Ingress and Egress: A suitable means of ingress and egress for vehicles to premises used for parking shall be provided, and shall open directly from and to a public street, alley, or highway. The width of any exit or entrance adjoining property or opposite property zoned for residential uses shall be approved by the Traffic Engineer prior to obtaining any permit therefore. The Traffic Engineer or the Department of Community Development may require the owner to provide acceleration or deceleration lanes where traffic volumes indicate the need. Interval distances between the intersections formed by such ingress and egress points along a

public street or between such intersections and the intersections formed by other traffic ways (including other streets, alleys, or driveways) shall be regulated in accordance with the following standards: Whenever possible, intersections along major arterial streets shall occur at intervals not less than twelve hundred (1,200) feet, nine hundred (900) feet, and three hundred (300) feet, respectively for Type A, B, and C intersections, as defined below and in Appendix B, Paragraph B.2(c) of the Subdivision Regulations of the City of Joliet. In the same manner, and whenever possible, such intersections along minor arterials shall occur at intervals not less than one thousand (1,000) feet, seven hundred (700) feet, and three hundred (300) feet, respectively for Type A, B, and C intersections. Type A intersections are defined as those intersections requiring or anticipated to require traffic controls (traffic lights or stop signs) on the public street along which the interval is measured, but not necessarily on the intersecting trafficways. Type B intersections are defined as those intersections not requiring traffic controls, but allowing left-hand turning movements off the public street along which the interval is measured. Type C intersections are defined as those intersections not requiring traffic controls on and not permitting left-hand turning movements off the public street along which the interval is measured. When the interval is between intersections of different types, the least restrictive interval requirement shall apply.

(i) Fencing, wheel stops or other physical barriers shall be provided for all boundaries of the parking area except at points of ingress and egress to prevent encroachment of vehicles.

(j) Pavement: All parking lots shall be constructed in accordance with specifications then required by the Department of Public Works for the construction of roadways and other paved public areas and shall include a surface course of Portland Cement Concrete or bituminous concrete. *

* Ord. #11215; 7/16/96

(k) Lighting: If the parking lot is to be open for use after dark, it shall be provided with not less than two lumens of light per square foot of parking lot surface. Lights shall be shielded so as not to shine directly or in an offensive manner on any residential property. Lighting fixtures and mounting locations shall be selected to uniformly disperse light in accordance with standards approved by the Department of Public Works and Utilities.**

** Ord. #13525; 3/18/02

(l) Screening: When a parking lot abuts a residential zone, there shall be permanently maintained along such boundary screening as provided in Section 47-17.18.

(m) Plot Plan to be Filed: Prior to constructing an accessory parking lot, the owner or persons in charge of the land to be used for parking shall submit a plot plan to the Building Inspector who will submit same to the Department of Community Development, Traffic Engineer and other agencies for their consideration and recommendations. Such plot plan shall show the boundaries of the property, location of adjacent houses, parking spaces, circulation patterns, drainage plan and construction plan for boundary walls and planting plan.

(n) Amount of Off-Street Parking Space Required: The amount of off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following minimum parking provisions provided that,

excepting as otherwise provided below, no parking area shall project into a required front yard and provided that no parking area shall be permitted between the curb line and the property line in any district.

(1) One family dwelling: Two spaces for each family unit, plus one space for every two roomers. Parking may be provided in not more than fifty percent (50%) of a required front yard and only if the parking area is clearly designated and improved as a driveway paved with concrete, bituminous concrete or other approved surface material in accordance with Section 47-17.17(j) and other applicable ordinances. *

(2) Two family dwellings: One and one half parking spaces for each family, plus one space for every two roomers. Parking may be provided in not more than fifty percent (50%) of a required front yard and only if the parking area is clearly designated and improved as a driveway paved with concrete, bituminous concrete or other approved surface material in accordance with Section 47-17.17(j) and other applicable ordinances. **

* Ord. #11215; 7/16/96

** Ord. #11215; 7/16/96

(3) Multiple family dwellings: One and one-half parking spaces per unit, plus one space for each employee. High density multiple family dwellings: One and one-half spaces per unit.

(4) Motel: One space per unit, plus one space for each employee.

(5) Hotel: One space for each of the first twelve guest rooms and one space for each four rooms greater than twelve, but not exceeding forty, and one parking space for each additional five rooms above forty, plus one space for each employee.

(6) Apartment Hotel: One space for each apartment, plus one for each employee.

(7) Office Building: One parking space for each 250 square feet of gross leasable floor area excluding any floor space used for parking.

(8) Retail Stores: (including Restaurants and Taverns) located in: Zone 1 - (Area bounded by Theodore Street and Roseland Avenue on the North, Briggs Street extended on the East, Interstate 80 on the South and Midland Avenue on the West). One parking space for each 200 square feet of gross floor area. Zone 2 - (In all areas excepting the above described area). One parking space for each 180 square feet of gross floor area.

(9) Wholesale businesses and retail businesses specializing in goods or merchandise not normally carried by the customer, such as furniture, large appliances, vehicles and similar items.

a.) One parking space per each 500 square feet of floor area used for the display or sale of merchandise, excluding office space, plus one parking space for each employee per shift.

b.) For outdoor sales, one parking space per 2,500 square feet of lot area, plus one parking space for each employee per shift.

(10) Barber Shops and Beauty Parlors: One for each chair, plus one for each employee.

(11) Banks, Dry Cleaning, Laundries and Similar Service Businesses: One parking space for each 250 square feet of floor area.

(12) Drive-In Banks with Inside Customer Service: Five for each inside teller window plus one for each employee; without inside customer service, one space for each employee.

(13) Drive-In Eating Establishments: One parking space for each 30 square feet of gross floor area, but not less than 20 spaces.

(14) Bowling Alleys: Four parking spaces for each alley.

(15) Auto Service Station: Four spaces.

(16) Hospitals: One space for each four beds, plus one space for each staff doctor, plus one space for each two full-time employees on shift, including nurses.

(17) Professional Offices, Medical Clinics: One parking space for each 150 square feet of floor area. Provided that professional offices when used as a home occupation shall provide one parking space for each 100 square feet or major fraction thereof, of office area in addition to that required for the residing family or families.

(18) Sanitariums, Convalescent Home or Children's Homes: One parking space for each six beds, plus one for each two employees.

(19) Mortuaries or Funeral Homes: One parking space for each fifty square feet of floor area in the slumber rooms, parlors or individual funeral service rooms.

(20) Elementary and Junior High Schools: One parking space for each employee, plus one parking space for each 80 square feet in the main auditorium not containing fixed seats, or one space for each six fixed seats in the main auditorium, whichever is greater.

(21) Senior High Schools: One parking space for each employee, plus one parking space for each five students or one space for each 80 square feet of floor area in the main auditorium not containing fixed seats, or one parking space for each six fixed seats in the main auditorium, whichever is greater.

(22) College and Business University: One parking space for each two employees, plus one space for each three students.

(23) Libraries, Museums or Art Galleries: One parking space for each 600 square feet of floor area plus one for each four employees.

(24) Contractor Yards or Plant Storage Yard: One parking space for each employee.

(25) Sports Arenas, Auditoriums, Theaters, Assembly Halls, other than in Schools: One parking space for each five seats or seating spaces.

(26) Manufacturing Plants or Research Laboratories: One parking space for each two employees per work shift.

(27) Churches: One parking space for each five seats in the main auditorium.

(28) Laundromats: One parking space for each two washing machines.

47-17.18 SCREENING:

Hereafter no buildings or structures shall be erected, altered or enlarged, nor shall land be used for any non-residential use on a lot that adjoins or faces any residential district until a plan for screening has been submitted and approved by the Building Inspector.

(1) Screening shall be provided for one or more of the following purposes:

(a) A visual barrier to partially or completely obstruct the view of unattractive structures or activities.

(b) As an acoustic screen to aid in absorbing or deflecting noise.

(c) For the containment of debris and litter.

(2) Screening may be one of the following or a combination of two or more:

- (a) A solid masonry wall.
- (b) A solidly constructed decorative fence.
- (c) Louvered fence.
- (d) Cyclone or woven wire fences.
- (e) Dense evergreen plantings.
- (f) Deciduous trees and shrubs.

(3) Location of Screening: Whenever any non-residential use abuts a residential district, a visual screening wall, fence, or planting shall be erected or placed along such mutual boundary lines.

(4) Height of Screening: Visual screening of walls, fences or plantings shall be at least five feet and six inches (5'6") high except in required front yards where maximum height shall meet the regulations under Section 47-17.6 of this Ordinance.

(5) Depth or Width of Screening: Screening for purposes of absorbing or deflecting noise shall have a depth of at least 15 feet of dense plantings or a solid masonry wall in combination with decorative plantings.

(6) Protection: Whenever required screening is adjacent to parking areas or driveways such screening shall be protected by bumper blocks, posts or curbing to avoid damage by vehicles.

47-17.19 MINIMUM FLOOR ELEVATION:

In any zone no structure intended or used for residential purposes or human occupancy may hereafter be constructed or moved to a site unless the minimum floor elevation is not less than two feet above the water level of the flood of 1957, as indicated on the Floodway Map. This map, together with all explanatory data thereon is hereby made a part of this Ordinance.

47-17.20 SEPTIC TANKS OR WELLS:

Any residential construction utilizing wells and/or septic tanks shall be situated on a lot having a minimum site area of one-half acre.

47-17.21 SIGNS *

* Ord. #8854; 4/21/89

(1) Purpose:

This ordinance is intended to regulate the type, placement, and physical dimensions of signs within the City of Joliet. The regulations contained herein encourage proper maintenance, allow for amortization of existing non-conforming signs, and recognize the vital role of adequate signage in promoting business in Joliet. The regulations also serve to accomplish the following goals:

(a) To improve the overall appearance of the city, enhancing the quality of life for all citizens; and to allow high-traffic entryways into the city to become more visually pleasing, thereby attracting new development to the area.

(b) To preserve the value of commercial and industrial property, as well as adjacent residential property, by promoting the compatibility of signs with surrounding land uses. In particular, recognizing that more appealing commercial areas can be created by promoting signs that are in scale with overall height of existing or proposed structures.

(c) To increase traffic safety by reducing the number of pole signs located near street rights-of-way. The effect of wall signs will thus be enhanced, and visibility of traffic control devices will be improved by reducing the overall number of pole signs.

(2) Definitions:

(a) Animated, flashing or moving sign: A sign or part thereof which changes physical position by any movement, rotation or flashing, including time and temperature devices which are part of a moving message display.

(b) Awning sign: A sign that is painted on or otherwise incorporated onto a retractable awning made of cloth, metal or other material, with a frame attached to a building and projecting over a pedestrian way.

(c) Canopy sign: A sign painted on or otherwise incorporated onto a fixed structure made of cloth or metal, with metal framework projecting over and supported by the ground.

(d) Construction sign: A temporary sign identifying the participants taking part in a construction project on the property on which the sign is located, and including parties such as the architect, engineer, contractor, subcontractor, owner, developer, sponsor, and financial supporter.

(e) Directional sign: Ingress or egress and other traffic circulation signs which guide pedestrian or vehicular traffic.

(f) Governmental and essential service sign: A sign erected and maintained to identify or serve any government function or control, including essential service signs which may be related to traffic, utility locations or emergency services.

(g) Ground sign: See pole sign.

(h) Illuminated sign: Any sign internally or externally lit.

(i) Marquee sign: A sign painted on or otherwise incorporated onto any marquee (roof-like structure) of permanent construction extending over a pedestrian way and projecting out from the wall of a building.

(j) Monument sign: A ground-supported sign mounted on a solid base or supporting uprights greater than 2 feet in width. Any sign mounted less than 7 feet above grade is also classified as a monument sign (See Exhibit "B" attached hereto).

(k) Off-premise sign: See outdoor advertising sign.

(l) On-premise sign: A sign which directs attention to a business or profession conducted, including commodity, entertainment, or service sold, offered, or manufactured on the premises where the sign is located.

(m) Outdoor advertising sign: A sign consisting of any letter, figure, character, mark, point, plane, marquee sign, poster, pictorial, picture, stroke, stripe, line, trademarks, reading matter, or illuminating device; constructed, attached, erected, fastened, or manufactured in any manner whatsoever so that the sign shall be used for the attraction of the public to any place, subject, person, public performance, article, machine, or merchandise whatsoever NOT sold, produced, manufactured, or furnished at the property on which the sign is located; and displayed in any manner whatsoever out of doors for recognized advertising purposes.

(n) Pole sign or ground sign: An on-premise sign placed upon or supported by uprights or braces less than 2 feet in width, placed into or supported by the ground independent of any other structure (see Exhibit "B" attached hereto).

(o) Projecting sign: A sign, other than a flat wall sign, that is dependent to any degree upon a building for support and which projects more than 15 inches from such building.

(p) Roof sign: A sign that is mounted over or on the roof of a building.

(q) Sign: Any object, device, display or structure consisting of any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademarks, reading matter, or illuminating device; constructed, attached, erected fastened, or manufactured in any manner whatsoever so that the sign shall be used for the attraction of the public to any place, subject, person, public performance, article, machine, or merchandise whatsoever and displayed in any manner whatsoever for recognized advertising purposes.

(r) Temporary portable sign: A sign mounted on a stand which may be readily moved from one location to another as needed.

(s) Wall sign: A sign fastened to or painted on the wall of a building resulting in the wall becoming the supporting structure for, or forming the background surface of, the sign, and which does not project more than 15 inches from such building or structure.

(3) Scope of Regulations:

(a) Authority to Issue Rules: The City Manager or his designee shall have the authority to issue rules and regulations consistent with provisions of this ordinance.

(b) Computing Sign Area of a Projecting, Wall, Roof, Monument, Pole or Marquee Sign: Where all or part of a sign is non-illuminated, the total area of a sign shall be the area

of the sign which is lit, combined with the area of any individual letters or symbols which are non-illuminated. These letters and/or symbols may be “boxed-in” for the purpose of calculating sign area. Where the entire surface of sign is lit, the total sign area of the sign shall be the overall area of the sign surface forming the background on which any individual letters or symbols are placed.

(c) Computing sign Area of an Awning or Canopy Sign: The total sign area of an illuminated or non-illuminated awning or canopy shall be the area of any individual letters or symbols which are part of the awning or canopy (these letters and/or symbols may be “boxed-in” for the purpose of calculating sign area).

(d) Computing Total Sign Area at a Site: The total sign area at a site shall be the sum of all wall, monument, projecting, roof, directional signs, painted wall signs, building identification signs, individual letters and painted signs on glass which are located at a site. Illuminated and non-illuminated signs must be included when calculating total sign area at a site. In the case of double-sided or multiple-sided signs only the area of one sign face shall be counted.

(e) Directional Sign Message Limited: Directional signs are limited in content to the directional message and/or the directional symbol, and the business name or logo, which is optional. The maximum area of a directional sign is three square feet.

(f) Enforcement: Legal non-conforming signs shall be removed or modified to conform with this ordinance within 20 years from the effective date of this ordinance. Legal, nonconforming sign structures, when damaged within 10 years of the effective date of this ordinance, may be replaced at the same location. However, during the 11th through the 20th years, legal, nonconforming signs, when damaged beyond 50% of their current value, shall not be replaced or relocated unless they conform to the provisions of this sign ordinance at their new location. Legal, nonconforming signs may not be structurally altered, enlarged, or expanded in any way which would increase their nonconformity.

(g) Fees: The sign permit fees outline in Exhibit “C” will take effect with adoption of this ordinance. Any person erecting a sign subject to such fees, without first obtaining a sign permit, shall be required to obtain said permit, and the fee therefore shall be three times the fee otherwise required as set forth in the City of Joliet Code of Ordinances, Section 1-8.

(h) Illumination Permitted: Where illumination of signs is permitted (B-1, B-2, B-3, I-1 & I-2 zoning districts), such illumination shall not be flashing nor intermittent (time and temperature signs may alternate time and temperature only, however, the individual time or temperature may not be “flashing” at any time).

(i) Illuminated Signs: Signs shall be lit from a concealed or shielded light source, with illumination concentrated on the area of the sign (except in the case of a sign where exposed neon, incandescent, mercury, or sodium vapor bulbs are in integral part of the sign face). Concealed or shielded light sources shall thereby reduce glare upon the street and adjacent property. Illuminated signs shall be turned off no later than 11:00 p.m., or the end of the business day, (whichever is greater when such sign is within 200 feet of any R-1, R-1A, R-2 or R-3 zoning district).

(j) Illuminated Signs, Electrical Permit Required: All illuminated sign permit applications shall be accompanied by an electrical permit application. An electrical schematic or written description of the electrical “workings” of the sign must be included in the application. If a written description is provided, it should include the following: Total amperage of the sign; the size and type of wire feeding the sign; the location of the disconnect; the size, type and number of lamps and the mounting detail of the sign.

(k) Minimum Height Above Grade Required: The minimum height above grade to the bottom of a pole sign is seven feet; the minimum height above grade to the bottom of an awning, canopy, projecting, or marquee sign is eight feet.

(l) Maximum Area of Any Pole Sign: Two signs may be mounted on any one pole, and the maximum area of BOTH sign faces added together may not exceed 150 square feet, or an area equal to the total street frontage of the subject property, whichever is less.

(m) Maximum Area of Any Monument Sign: The maximum area of any monument sign may not exceed 150 square feet, or an area equal to the total street frontage of the subject property, whichever is less.

(n) Only One Pole Sign and One Monument Sign are permitted per lot, except in the case of a general business or industrial lot, where one pole sign and one monument sign are permitted per streetfront.

(o) Outdoor Advertising Sign: Outdoor advertising signs are permitted only through a variation. The maximum area of any outdoor advertising sign, when permitted, is 300 square feet. An outdoor advertising sign, when permitted, also must be located at least 100 feet from any existing pole sign or when permitted, also must be located at least 100 feet from outdoor advertising sign, and must meet a 60 foot setback from centerline of all streets measured to the leading edge of the sign.

(p) Permit to be Obtained: No ground, wall, painted wall sign, projecting sign, roof sign, monument sign, construction sign, institutional, memorial, directional sign or plaque, professional sign, real estate sign greater than 4 1/2 square feet, subdivision sign or sign painted on glass shall be erected or otherwise placed on a site until a sign permit has been obtained from the City Manager or his designee. This requirement applies to illuminated as well as non-illuminated signs. Except in the case of “exempt” signs, a sign permit shall be issued only to a licensed sign erector. It shall be the joint and several responsibility of the licensed sign erector and the property owner or lessee to secure all permits required by this ordinance.

(q) Permit for Illuminated Sign: A permit application for an illuminated sign must be accompanied by an electrical schematic or a written description of the following: total amperage of the sign; size and type of wire feeding the sign; disconnect location; type and size of lamps; and the mounting detail of the proposed sign.

(r) Regulations to Govern in All Zoning Districts: The regulations herein set forth shall apply and govern in all zoning districts. No sign shall be erected or maintained unless it is in compliance with the size, height (See Exhibit “A” attached hereto), setback, land

use and zoning restrictions that apply to the district in which the sign is located, (projecting signs in the central business district may project over the public sidewalk, but not within two feet of the curb line).

(s) Roof Sign May not Project: Roof signs may not be anchored or located above flat roofs. A roof sign may not project above the peak or deck line of a gambrel, gable, hip, or mansard roof.

(t) Setbacks for Signs on All Streets: Pole signs must meet a 15 foot setback from the property line on all streets. Monument signs must meet a 10 foot setback from the property line on all streets (measured to the leading edge of the pole or monument sign).

(u) Sign Code: The Sign Code found in the City of Joliet "Code of Ordinances", (regarding construction standards, requirements and specifications found in Article 8, Section 8 of said code), and amendments thereto, shall take precedence over this Sign Ordinance in instances where the sign code is more restrictive with respect to location, use, size, and height of signs and outdoor display structures.

(v) Sign May Not Constitute a Nuisance: It shall be unlawful to erect or continue operation of a sign which is a nuisance due to glare, focus, animation, rotation, flashing, or the illusion thereof; or the display of obscene matter.

(w) Sign May Not Prevent Free Ingress/Egress: No sign shall be erected, re-located, or maintained so as to prevent free ingress to or egress from any required door, window, or fire escape.

(x) Sign Must Be Maintained: Signs shall be properly maintained in accordance with the Joliet Code of Ordinances at all times. Failure to comply with proper maintenance of a sign will be the basis for the City Manager or his designee to serve a thirty-day notice requiring that corrective action be taken. If the maintenance problem is not resolved within the prescribed time frame, the removal of said sign will be requested.

(y) Temporary Portable Sign: A maximum of two temporary sign permits per year are permitted, and the temporary sign may be displayed up to one week. The sign may not display flashing lights.

(z) Terminated Use in a Building: Upon termination of the occupancy of any business, the sign advertising said business or occupancy shall be dismantled or the sign copy covered with a white or other neutral-color. The property owner shall be responsible for compliance with this provision within 60 days of the business closing. Covered signs shall be properly maintained in accordance with the Joliet Code of Ordinances at all times. Failure to comply with proper maintenance of such sign will be the basis for the City Manager or his designee to serve a thirty-day notice requiring that corrective action be taken. If the maintenance problem is not resolved within the prescribed time frame, the removal of said sign will be requested.

(aa) Unsafe Signs Prohibited: This ordinance prohibits signs which will, by reason of their size, location, construction, content, or manner of display, endanger the public safety,

confuse, mislead, or obstruct vision necessary for pedestrian or traffic safety, or otherwise endanger the public.

(bb) Variation: Any sign which is not specifically permitted in any zoning district shall require the granting of a variation, obtained from the Zoning Board of Appeals. This includes signs that have flashing or pulsating illumination, animation, rotation, or overall dimensions which exceed the maximum dimensions permitted in any district. A variation may not be granted to permit any of the following:

- any on-premise sign to exceed 200 square feet in area
- any off-premise sign to exceed 300 square feet in area
- any off-premise sign to exceed 25 feet in height as measured from centerline grade of adjoining roadway
- any off-premise sign located within 100 feet of any other off-premise sign or pole sign
- to allow more than one off-premise sign to be located on any parcel
- to allow more than one off-premise sign to be located on any outdoor advertising structure

Variation Criteria: A variation may be granted by the Zoning Board of Appeals based on all of the following criteria:

(a) That strict enforcement of the ordinance would cause undue hardship to the property owner due to circumstances unique to the individual property in question.

(b) That the proposed use would not be detrimental to the use, orderly development and enjoyment of other property in the immediate vicinity for the purposes permitted under the zoning ordinance, nor substantially diminish the property value within the neighborhood.

(c) That ownership or lease of the property in question can be demonstrated.

(d) That approval of the variation would not be contrary to the objective of improving the overall appearance of the City.

(cc) Visibility Triangle Required: To protect visibility of automotive traffic, cyclists, riders and pedestrians, no substantial impediment to visibility shall be created or maintained at the intersection of any two streets within the triangular areas described as follows: Beginning at the intersection of the edges of the rights-of-way (projected if corners are rounded), thence 46 feet along the edges of both rights-of-way, and thence along a line connecting those points.

ALSO, no substantial impediment to visibility between the heights of 2 1/2 feet and 7 feet above the centerline of grades shall be created or maintained at the intersection of any driveway or vehicular entrance or exit with any street within triangular areas as follows: Beginning at the intersection of the edges of driving surfaces (projected if corners are rounded), thence 25 feet along both intersecting edges, and thence along a line connecting these points.

(4) Exempt Signs: Exempt signs are signs that do not require a licensed sign erector to obtain a sign permit. In some cases, exempt signs do not require a sign permit at all. Signs in CATEGORY 1 listed below DO NOT require a sign permit. These signs include essential service signs; institutional flags, address, danger or no trespassing signs; political signs; real estate signs 4 1/2 square feet in area or less; and signs directed at occupants inside a building. Signs in CATEGORY 2 DO require a sign permit, however, the sign need not be installed by a licensed sign erector (all signs must meet applicable building codes). Exempt Signs which are part of CATEGORY 1 or CATEGORY 2 must meet the following criteria:

- (a) signs pertain only to a permitted use in the district where the signs are located;
- (b) signs meet yard, setback and visibility requirements of the district
- (c) signs require prior authorization of the subject property owner
- (d) signs meet applicable building code requirements. (Parking, directional, and essential service signs do not have to meet yard and setback requirements)
- (e) signs are located off of the public right-of-way, on private property

EXEMPT SIGN CATEGORIES: Category 1 (no permit required)
Category 2 (permit required)

CATEGORY:

2-Construction signs denoting the architect, engineer, developer, or contractor of a building or subdivision which is under construction, structural alteration, or repair; provided that such signs do not exceed 16 square feet in area. 1-Essential service signs authorized by a governmental unit or utility company, used to regulate traffic, provide legal notice, essential community information, note the location of underground utility facilities, or to perform similar functions beneficial to the general public, and of a non-commercial nature.

2-Institutional signs displaying the name or insignia of any nation, state, city, country, or other public, charitable, educational, or religious institution; not to exceed 16 square feet in area.

2-Memorial signs or plaques denoting the name and date of erection of a building, or drawing attention to some historic significance of a structure. Memorial signs or plaques may not exceed 100 square feet, or an area equal to the total street frontage of a site, whichever is less.

1-Parking, address, danger or no trespassing information signs not exceeding three square feet in area, provided that the sign contains no advertising matter other than a business name OR logo. Ground signs of this category may not exceed 30 inches in height above the ground, and must contain a parking or directional symbol or message, address, warning, or other pertinent sign copy. When a directional sign is illuminated, it is no longer an "exempt" sign and a sign permit is required. 2-Directional signs which do not exceed three square feet in area, provided that the sign contains no advertising matter other than a business name or logo. Ground signs of this category may not exceed 30 inches in height above the ground, and must contain a directional symbol or message, or other pertinent sign copy. One directional sign may be permitted per curbscut per parcel.

1-Political signs which address the candidacy of any legal contender for public office, or which endorse a political party in general, provided that such sign may not exceed 16 square feet in area, (there may be more than one sign per lot for this sign type) and:

Political signs may not be posted more than 60 days prior to the subject election; and Political signs shall be removed within 15 days after the subject election.

2-Professional or occupational wall plaques denoting only the name and profession of an occupant of a commercial building, including plaques which identify a permitted home occupation. Professional or occupational plaques may not exceed two square feet in area.

2-Real estate signs or garage sale signs which exceed four and one-half square feet in area in residential zones; and real estate signs not to exceed 100 square feet (or an area equal to the total street frontage of the subject site), whichever is less, in non-residential zones. When a realtor has an exclusive listing of five or more recorded lots in a subdivision, a 16 square foot sign may replace the five or more individual signs normally permitted under "exempt" signs.

1-Real estate signs which do not exceed 4 1/2 square feet in area.

1-Signs located and directed at occupants inside a building are exempt; however, such signs when illuminated, require an electrical permit.

2-Subdivision or tract name signs located at the entrance to a subdivision or tract; one sign not to exceed 32 square feet.

Subdivision or tract name signs may only be placed at major subdivision or tract entrances and must be located within the boundaries of the subject property.

(5) I-80/Houbolt Road Interchange Sign Regulations

(a) Subject Area: The regulations set forth in this subsection shall apply to any commercial or industrial subdivision having frontage on both Interstate 80 and Houbolt Road as depicted in the Preliminary Plat of Subdivision. To the extent that the provisions of this section (47-17.21) do not conflict with this subsection, those provisions shall apply.

(b) Multi-Tenant Community Sign. The commercial and industrial users located in the subject area shall be allowed to use a multi-tenant community sign that is located only within the subdivision in which those commercial and industrial users are located. A multi-tenant community sign shall consist of a single pole with up to six individual commercial signs attached to that pole.

(c) Scope of Regulations.

(1) Height and Width. The height of a multi-tenant community sign shall be no greater than 50 feet. The width of a multi-tenant community sign shall be no greater than 60 feet.

(2) Size. The size of each individual sign on the multi-tenant community sign shall be no greater than 150 square feet.

(3) Numbers of Individual Signs Per Pole. Each multi-tenant community sign shall be limited to a total of six individual signs.

(4) Spacing. Each multi-tenant community sign shall be located no closer than 800 feet from any other multi-tenant community sign, measured parallel to the right of way.

(5) Number of Signs. Each commercial or industrial subdivision in the subject area shall have no more than three multi-tenant community signs located within the subdivision, provided that the signs comply with the spacing requirements.

(6) Location. All multi-tenant community signs shall be located wholly within 100 feet of the I-80 right-of-way line excluding those portions of the Interchange right-of-way line on the Houbolt Road alignment.

(7) Other Signs. Any commercial or industrial user located on a lot in the subject area shall be prohibited from having an individual pole sign on the user's lot. That user shall be authorized to have building wall signs which comply with applicable sign regulations and monument signs which are no greater than 20 feet in height.

(8) Subdivision Identification Sign. In addition to the signs described above, each subdivision shall be authorized to have one subdivision identification sign at the entrance of the subdivision. The sign shall be no greater than 30 feet in height with a maximum size of 200 square feet.

(9) Previously Approved Sign. Any multi-tenant community sign in the subject area that has been erected or approved prior to the effective date of the Ordinance shall be allowed to remain standing or erected provided that such sign complies with any conditions imposed upon such sign. Any such signs shall be considered in spacing measurements for future signs, except for a multi tenant community sign which may be erected on Lot #2 of Riverboat Center Subdivision. The owners of Lot #2 shall be allowed to erect a multi-tenant community sign on the southeast corner of the lot without being required to meet the spacing and location restrictions outlined in subsections 5 (c) (4) and 5 (c) (6) above. However, this sign must be located at least 200 feet from the Houbolt Road right-of-way.

(d) Variation Process. If a commercial user owning a commercially zoned lot in the subject area desires to erect a free-standing, on-premise pole sign instead of participating in a multi-tenant community sign, then the commercial user shall be required to file an application for a variation. The application for a variation shall be heard by the Zoning Board of Appeals. All rules and regulations controlling variations under the jurisdiction of the Zoning Board of Appeals shall be applicable to variations filed under this subsection, except that the Board's authority for a height variation shall be increased from 25 feet to 50 feet. If the Zoning Board of Appeals approves the application for a variation under this subsection, then the Board's decision shall be final. If the Zoning Board of Appeals denies an application for a variation under this subsection, then the applicant shall be authorized to appeal the Board's denial to the City Council by filing a written notice of appeal with the City Manager or his designee. The notice of appeal shall be filed within 30 days of the denial of the application by the Zoning Board of Appeals. The City Council shall review the appeal on the record prepared at the public hearing on the application before the Zoning Board of Appeals, but the City Council shall be authorized to hear additional evidence or testimony by majority vote. The applicant shall give written notice of the filing of a notice of appeal to all owners of record within 300 feet of the applicant's property. The notice shall include a telephone number which may be called by the recipient of the notice to be informed of the date and time that the City Council will consider the applicant's appeal. The notice shall be mailed at least seven days prior to the City Council's consideration of the appeal. Proof of service of the notice on

the owners of record shall be filed by the applicant with the City. The City Council's decision on the appeal shall be final. *

* Adopted by Ord. #10867; 8/15/95

EXHIBIT "A"

PERMITTED USE, LOCATION AND SIZE OF SIGNS

SIGN CLASS	ZONING DIST. WHERE PERMITTED	USES	PERMITTED SIGN TYPE	# OF GROUND SIGNS PERMITTED	TOTAL # OF SIGNS PERMITTED	TOTAL SIGN HEIGHT PERMITTED	TOTAL SIGN AREA PERMITTED (sq. ft.)	ILLUM. PERMITTED	OFF-PREMISE SIGNS PERMITTED
1	R-4, R-5	Non-residential uses & multi-family w/ 8+ units	Wall, Monument	1	1 per street front	11 ft.	20	NO	NO
2	R-1, R-1A, R-1B, R-2, R-3	Non-residential uses including church, pre-school, school	Wall	0	1 per street front	11 ft.	20	NO	NO
3	R-1, R-1A, R-1B, R-2, R-3	Non-residential uses including church, pre-school, school	Ground	1	1 per street front	11 ft.	12	NO	NO
4	R-B, B-2	Single-tenant property use	Wall, Ground, Projecting, Roof	1 per lot	2	20 ft.	50	YES	NO
5	R-B, B-2	Multi-tenant property use	Wall, Ground, Projecting, Roof	1 per lot	2	20 ft.	120	YES	NO
6	B-1	All permitted uses	Wall, Ground, Projecting, Roof	1 per lot	1 per tenant in add. to permitted grnd sign	20 ft.	120	YES	NO
7	R-1, R-1A, R-1B, R-B, R-2, B-1, R-3, B-2, R-4, B-3, R-5, I-1, I-2	Must relate to off-street parking	Wall, Ground, Projecting, Roof	1 per curb cut	1 per curb cut	10 ft.	6	NO	NO
8	B-3, I-1, I-2	All permitted uses	Wall, Ground, Projecting, Roof	1 per street front	1 per street front	25 ft.	200% of street frontage (max. 900 sq. ft. per street front)	YES	YES, BY CONDITIONAL USE ONLY
9	R-1, R-1A, R-1B, R-B, R-2, B-1, R-3, B-2, R-4, B-3, R-5, I-1, I-2	All permitted uses	Temporary Portable Sign	1	1	7 ft.	32	YES	NO

“EXHIBIT B”

“EXHIBIT C”

SIGN PERMIT FEES

A. The basic fees for all signs which require a permit are as follows:

GROUND SIGNS (INC. POLE SIGNS)	\$ 6.00
ROOF SIGNS	\$ 17.50
WALL SIGNS	\$ 6.00
PROJECTING SIGNS	\$ 6.00
MONUMENT SIGNS	\$ 6.00

B. Illuminated signs carry an additional fee, shown below, to cover the costs of electrical inspections:

1. Illuminated Ground Signs and Projecting Signs with the following amount of illuminated area:

UP TO 25 SQ. FT.	\$ 4.50
25 SQ. FT. TO 50 SQ. FT.	\$10.00
50 SQ. FT. TO 75 SQ. FT.	\$14.50
OVER 100 SQ. FT.	\$19.50 + \$.10/SQ. FT.

FOR ALL SQUARE FOOTAGE IN EXCESS OF 100 SQ. FT.

2. Illuminated Wall Signs or Monument Signs

UP TO 50 SQ. FT.	\$ 4.00
OVER 50 SQ. FT.	\$4.00 + \$.10/SQ. FT.

FOR ALL SQUARE FOOTAGE IN EXCESS OF 50 SQ. FT.

3. Temporary portable signs

MAXIMUM OF 32 SQ. FT.	\$ 6.50
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47-17.22 NON-CONFORMITIES:

Within the districts established by this Ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment.

It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their continuance. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except by appeal to the Board of Zoning Appeals for approval of specific plans. Expansions of existing non-conforming uses, where allowed by the Board of

Appeals, may be made only on property owned by the applicant as of the effective date of this Ordinance.

A non-conforming use of a structure, a non-conforming use of land or a non-conforming use of a structure and land, shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

(1) Non-conforming Lots of Record: In any district in which single-family dwellings are permitted, notwithstanding other limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance subject to the following conditions:

(a) Land coverage may not exceed thirty (30) per cent.

(b) Height of the structure may not exceed two and one-half (2 1/2) stories or twenty-five (25) feet, whichever is less. The height will be measured from the center of the front lot line and the average grade measured from front to rear of the lot.

(c) Side yards may be reduced by the same percentage the area of such lot bears to its zone district requirements, provided no side yard shall be less than five (5) feet.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

(2) Non-conforming Uses of Land: Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

(a) No such non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except as provided.

(b) No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

(c) If any such non-conforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

(d) Where a non-conforming use of the land by the nature of the use requires expansion or enlargement of the land area so used in order to continue in operation, such as removal of sand,

earth, stone, minerals, etc., continuance of such operations following the adoption or amendments of this Ordinance shall be deemed a violation.

(3) Non-conforming Structures: Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reasons of restrictions on area, lot coverage, height, yards, or other characteristics of the structure, or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions.

(a) No such structure may be enlarged or altered in a way which increases its non-conformity.

(b) Should structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(4) Non-Conforming Uses of Structures: If a lawful use of a structure or of structure and premises in combination exists at the effective date of adoption or amendment of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

(a) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(b) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land or building outside such building.

(c) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

(d) Any structure, or structure and land in combination in or on which a non-conforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located and the non-conforming use may not thereafter be resumed.

(e) When a non-conforming use of a structure or structure and premises in combination is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.

(f) Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

(5) Repairs and Maintenance: On any building devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

(6) Termination of Non-Conforming Uses: The Council may in its discretion acquire by purchase, condemnation, or otherwise private property for the removal of non-conforming uses and structures.

The Council may in its discretion acquire by purchase, condemnation or otherwise, non-conforming structures or structures containing non-conforming uses without taking the land, remove or cause to be removed the non-conforming use and/or structure, rough-grade the property back to its near original condition and thereafter the land shall be used only in conformance with the regulations of the district in which it is located.

It is the intent that non-conforming uses shall be terminated in accord with the following conditions:

(a) Five Year Period: Within not more than five (5) years from the effective date of this Ordinance, or within not more than five (5) years from the effective date of any amendment thereto by which the use became a non-conforming use, the right to operate and maintain the following non-conforming use shall terminate and such use shall cease to exist and shall be no longer operated or maintained.

(1) A non-conforming use operated within a building or structure which contains less than one-hundred (100) square feet of gross floor area.

(2) A non-conforming use of which no part is enclosed within a structure including outdoor advertising devices.

(3) Non-conforming salvage yard.

(4) Non-conforming used car lot.

(5) Non-conforming parking lot.

(b) Ten Year Period: Within not more than 10 years from the effective date of this Ordinance, or within not more than ten (10) years from the effective date of any amendment thereto by which the use became a non-conforming use, the right to operate and maintain the following non-conforming uses shall terminate and such uses shall cease to exist and shall be no longer operated or maintained.

(1) A non-conforming temporary type frame, block or light metal one story structure which contains less than 3,000 square feet of gross floor area.

(2) Non-conforming commercial or industrial uses of a residential building or residential accessory building.

(3) Non-conforming mobile home park.

(4) Non-conforming lumber and coal yard.

(5) Non-conforming drive-in theater.

(c) Twenty Year Period: Within not more than 20 years from the effective date of this Ordinance or within not more than 20 years from the effective date of any amendment thereto by which the use became a non-conforming use, the right to operate and maintain the following non-conforming uses shall terminate and such uses shall cease to exist and be no longer operated or maintained.

All other non-conforming structures and uses.

(d) Appeal Board Determination: The amortization period for compulsory termination of any specific non-conforming use may be lengthened or shortened by action of the Board of Appeals after investigation and analysis of such considerations as age of the structure, type of construction, permanency of the facility, and monetary value at the time of passage of the Zoning Ordinance.

(7) Restoring Buildings and Structures:

When a legal non-conforming building or structure or a building or structure containing a legal non-conforming use has been damaged or altered by any cause whatsoever to the extent of its "fair cash value" (as such term is used in the Revenue Act of 1939), or has by ordinance been declared a public nuisance, it shall not be restored, reconstructed or in any way used except in conformity with the regulations applicable to the district in which it is located.

If such a building or structure qualifies for restoration or reconstruction, a building permit shall be secured for that purpose as soon as practicable, but in no event more than one year from the date it was damaged or altered.

A condition of all such building permits shall be that the building or structure be reconstructed with building materials of equal or greater quality than those which comprised the building or structure immediately prior to its being damaged or altered. Reconstruction shall be diligently prosecuted and completed without delay or interruption. Failure to reconstruct in a timely manner shall cause the building or structure to lose its legal status and it shall thereafter conform to the regulations applicable to the district in which it is located.

The provisions of this sub-section shall also apply to all buildings, structures or uses of land which would be considered non-conforming but for the granting of a variation or variation of use whether or not the variation or variation of use was granted before or after the effective date of this amendment. In such event the variation or variation of use shall be construed as incorporating the provisions of this sub-section as a mandatory condition unless the variation or variation of use affirmatively states otherwise. *

* Adopted by Ord. #10249; 9/8/93

(8) Violations not rendered Non-Conforming: A use structure or lot which was in violation of the provisions of the Ordinance which this Ordinance amends shall not be validated or become non-conforming upon the adoption of this Ordinance.

It is the intention of this ordinance that the language relating to non-conformance in this Section 47-17.22 is to be construed and interpreted as applying only to non-conforming uses and shall not be construed or interpreted to apply to any non-conformance which exists because of set back or height requirements contained in this or other Ordinances of the City of Joliet, whether such non-conformance exists in residential, business or industrial zones.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety upon order of such official.

(9) Exceptions to the Regulations on Non-Conforming Uses: Certain uses which by their record performance over the years have proven to be the exception to the general rule that isolated commercial uses in residential areas are generators of blight should be given recognition for such performance and proven service to the neighborhood.

Those uses that are permitted in B-1 (Neighborhood Commercial Districts) may be eligible for permit by exception provided:

- (a) The use has been in continuous operation for ten years or more.
- (b) The building or structure is in sound, well maintained condition.
- (c) There are no dilapidated residential structures within 300 feet of said use.
- (d) Said use has no more than four full-time employees.
- (e) That the structures containing such uses continue to be well maintained, yards kept clean and refuse kept in enclosures so as to be out of sight from adjoining residential properties.
- (f) Parking requirements as specified in Section 47-17.17 shall be complied with.
- (g) Screening requirements as specified in Section 47-17.18 shall be complied with.
- (h) Sign regulations as specified in Section 47-17.21 shall be complied with.

(i) Yards, lot coverage and height limitations of the district in which such use is located are complied with.

47-17.23 MOBILE HOMES: (Trailer coach)

(1) No person shall occupy any trailer coach or mobile home as a residence in any district outside an approved and licensed mobile home park or trailer court.

(2) No boat, bus, housetrailer, recreational vehicle, semi trailer, tractor, truck with more than 2 axles or having a gross weight in excess of 5,000 pounds or similar vehicle or apparatus may be stored or parked in a required front yard of any property in a residential district. *

* Ordinance No. 11494; 6/3/97

47-17.24 DRIVE-IN SERVICE ESTABLISHMENTS:

Establishments that by their nature create periodic lining up of customers in automobiles waiting to be served shall provide off-street areas for these waiting customers. This includes such activities as:

- (a) Drive-in banks;
- (b) Quick auto washes;
- (c) Drive-in retail outlets;
- (d) Drive-in service and repair drop stations for such items as clothing, appliances, equipment, etc.

Those establishments that can normally serve their customer in three minutes or less shall provide at least five off-street waiting spaces per window.

A quick auto wash shall provide at least ten off-street waiting spaces.

Where normal customer servicing time is greater than three minutes per car, additional spaces shall be provided on the basis of one additional space per additional minute of waiting time.

47-17.25 BARRIERS TO ENCROACHMENT:

Hereafter any lot used for parking, storage, or display of vehicles for sale or rent including boats, trailers, mobile homes, and trucks where such use is permitted to come within three feet of any property line separating said lot from any property held by any other ownership including public land, such property lines shall be protected from encroachment by the installation of wheel stops, bumper guards or fencing so placed and erected as to prevent vehicles from projecting over said lines except at approved points of ingress and egress.

47-17.26 GARAGES AND AUTOMOBILE SERVICE STATIONS:

No building, structure, or premises shall be used, erected, or altered which is intended or designed to be used as a public garage, automobile repair shop or automobile service station, having an entrance or exit for vehicles in the same block front and within 100 feet of any school, public playground, church, hospital, public library, or institution for dependents or for children, and no such entrance or exit shall be located within the same block front and within 20 feet of any "R" District, nor shall any part of such public garage, automobile repair shop, or automobile service station be located within 100 feet of any building or grounds of any of the aforesaid public or institutional uses. Automobile service stations shall

be subject to such further regulations as may be established by ordinance in respect to number of pumps, hours of operation, fencing or screening, lighting, pavement, curbs, and in other respects.

47-17.27 MOTELS OR MOTOR HOTELS:

(1) No vehicular entrance to or exit from any motel, or motor hotel, wherever such may be located, shall be within 100 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or on a street which the premises in question do not abut.

(2) The sanitary regulations prescribed by the Health Department, the regulations of the Building Code, and such regulations as may otherwise be required by law shall be complied with in addition to the following:

(a) Any lot to be used for a motel or motor hotel shall not be less than 15,000 square feet in area and shall contain not less than 1,000 square feet per sleeping unit. All buildings and structures shall be distant, at least 20 feet from all lot lines. The buildings and structures on the lot shall occupy in the aggregate not more than 25 per cent of the area of the lot.

(b) All areas used for automobile access and parking shall comply with the provisions in Section 47-17.17.

(c) All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.

(3) No enlargements or extensions to any motel or motor hotel shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment.

47-17.28 VARIATION OF USE:

(A) A “variation of use” shall be defined to mean relief from strict compliance with the use limitations of this Ordinance regarding the classification, regulation, and restriction of the location where trades, industries, businesses, and residences may exist.

(B) An application for a variation of use shall be referred to the Zoning Board of Appeals for a public hearing on the proposed variation of use. Notice of the hearing shall be published at least once in a newspaper of general circulation in the City of Joliet at least 15 days but no more than 30 days prior to the hearing. The notice shall specify the time and place of the hearing and shall contain the particular location for which the variation of use is requested as well as a brief statement of the nature of the proposed variation of use. In addition to the publication of newspaper notice, notice of the public hearing shall be given by posting a land use change informational sign on the subject property in accordance with the provisions of Section 47-19.7(6) of the Zoning Ordinance. After the hearing on the proposed variation of use, the Zoning Board of Appeals shall make a recommendation regarding the granting or denial of the variation of use to the City Council. The City Council shall then be vested with the final authority to approve or reject the proposed variation of use. *

* adopted by Ord. No. 9879 4/21/92

(c) When a proposed variation of use fails to receive the approval of the Zoning Board of Appeals, the proposed variation of use shall not be passed except by a favorable vote of at least two-thirds of the members of the City Council then holding office. Provided, the two-thirds vote requirement of this subsection shall apply only when the proposed variation of use is rejected by at least a majority of the members of the Zoning Board of Appeals then holding office. **

47-17.29 PERCENTAGE OF GROUND COVERAGE:

Unless otherwise regulated herein, no more than 30 percent of the ground area of any residential lot may be covered by structures. The remaining 70 percent, except that devoted to driveways and parking areas, shall be landscaped and maintained in such manner as to avoid becoming a nuisance.

Terraces atop parking garages may be included in the computation for required open space, provided that said terrace is not more than ten feet above the finished grade at the property line.

47-17.30 RESIDENTIAL CONSTRUCTION--ANTI-MONOTONY

In order to mitigate the potential impact of excessive similarity within and among residential buildings without unnecessarily limiting the construction of such buildings and while also recognizing that multi-family residential buildings within a unified development are typically similar in nature but may overcome the presumed deficiencies of similarity through the use of creative architectural design, quality building materials or good site planning, all residential buildings constructed in the City of Joliet shall comply with the following provisions.

(a) No two (2) single-family dwellings, two-family buildings or multi-family buildings of substantially similar front elevation or facade shall be constructed or located adjacent to one another, nor shall there be constructed or located more than twenty five percent (25%) of buildings of substantially similar front elevation or facade in any block. For the purposes of this Section, a "front" elevation or facade shall include every elevation or facade facing a street or public way, such as the front and rear faces of a building on a through lot or the front and side faces of a building on a corner lot.

(b) A building on a corner lot shall not be considered substantially similar to another building in the same block if the front elevations of the buildings face different streets. On cul-de-sac turnarounds, no building shall have a front elevation or facade which is substantially similar to any other building on the turnaround.

(c) A building shall not be considered substantially similar to another building if a preponderance of the front elevations of the two buildings are of different color and the front elevations of the two buildings differ as to one or more of the characteristics set forth herein. In addition thereto, the front and rear facades of every multi-family building shall have multiple and substantial differences in relief so as to prevent a building face comprised of a single geometric plane.

- (1) Roof type (e.g. hip, mansard, gambrel, flat, combination, etc.);
- (2) Roof height;
- (3) Approximate dimensions (height & length) of the front elevation;
- (4) Shape of the front elevation silhouette;
- (5) Relative locations and sizes of windows in the front elevation;
- (6) The addition or removal of a full size standard window in a single family dwelling;

(7) Placement of shutters on all windows in front elevation in a single family dwelling;

(8) Siding type (e.g. brick veneer, lapped horizontal siding, half-timber, board and batten, shakes, etc.) on the front elevation;

(9) Relative locations and dimensions of garage door(s), if included on the front elevation;

(10) Reverse elevations;

(11) Housing styles (e.g. ranch, bi-level, tri-level, 1 1/2, 2 & 3 story)

A change in roof color shall not constitute a factor of dissimilarity.

(d) These regulations will be waived or modified in residential planned unit developments upon a finding by the Mayor and City Council, with the advice of the Plan Commission, that the similarity of architectural form and style among buildings is integral to the character of a unified development plan and in which the high quality of building materials, building plans or site plan overcome the presumed deficiencies of similarity. Applications for a multi-family planned unit development shall include an anti-monotony plan specifying the manner in which the buildings located in the development will comply with the requirements of this Section. This plan shall include, at a minimum, proposed front, rear and side elevations of each principal and accessory building options, a schedule of exterior building materials and exterior colors proposed for each building, a schedule of proposed building heights and a list of buyer options which may reasonably bear upon any of the building components or other factors affecting compliance with the anti-monotony requirements of this Section. *

*Ord. #12201, 2/2/99

(e) Use of Brick in Exterior Elevations

At least twenty-five per cent (25%) of the gross front elevations of not less than one-half of the detached single-family dwelling units and not less than one-half of the two-family dwelling units constructed in a residential subdivision shall be comprised of brick or stone. In addition, at least fifty per cent (50%) of the gross front elevations and twenty-five per cent (25%) of the gross side and rear elevations of all multi-family dwelling units constructed within a residential subdivision (including townhomes and other attached single family dwelling units but not including duplexes) shall be comprised of brick or stone.

For the purposes of this sub-paragraph only, “gross front elevation” shall mean the entire exterior wall adjoining the front yard of a lot, including windows, doors and other building openings, but excluding the roof. The term “gross side elevation” shall mean the entire exterior wall adjoining a side yard of a lot, including windows, doors and other building openings but excluding the roof. The term “gross rear elevation” shall mean the entire exterior wall adjoining a rear yard of a lot, including windows, doors and other building openings, but excluding the roof.

For the purposes of this sub-paragraph only, conflicting provisions in the Zoning Ordinance notwithstanding, a corner lot and a through lot shall only have one front yard as designated in a plat, building permit, certificate of occupancy or other instrument approved by the City.*

Ord. No. 14700, 05/18/04

ARTICLE VIII

SECTION 47-18 ENFORCEMENT AND PENALTIES:

47-18.1 ENFORCING OFFICER:

The Building Inspector is hereby designated as the enforcing officer of this Ordinance; the enforcing officer is hereby authorized to enforce, issue orders to prevent, and stop violations and administer the provisions of this Ordinance. He may be assisted by the Police Department and such other personnel as the City Manager may authorize.

47-18.2 BUILDING PERMIT:

No building or other structure shall be erected, moved, added to, or structurally altered without a building permit therefore issued by the enforcing officer. No building permit shall be issued except in conformity with the provisions of this Ordinance.

47-18.3 PLATS:

All applications for building permits for new buildings or substantial additions to existing buildings shall be accompanied by a drawing or plat, in duplicate, showing the lot plan, the location of the building on the lot, accurate dimensions of building and lot, and such other information as may be necessary to provide for the enforcement of this chapter. This plat shall be prepared after the lot has been staked by a competent surveyor and the plat show the date of staking and the name of the engineer or surveyor.

47-18.4 CERTIFICATE OF HEALTH OFFICER:

In every instance where a lot is not serviced with public water and/or the disposal of sanitary wastes by means of public sewers, the application for a building permit shall be accompanied by a Certificate of Approval by the County Health Officer of the proposed method of water supply and/or disposal of sanitary wastes.

47-18.5 CERTIFICATE OF INDUSTRIAL PERFORMANCE:

A Certificate of Industrial Performance shall be required prior to issuance of a building permit whenever any use appearing on the Heavy Industrial List, below, is proposed to be located in an I-1 or I-2 district. Such certificate also shall be required whenever any use appearing on the General Industrial List, below, is proposed to be located in an I-1 district. The certification of industrial performance shall be in writing, done by a duly licensed and registered engineer or architect, and warrant that the design of the proposed use is in compliance with all industrial regulations and other applicable regulations of this ordinance.

(1) Heavy Industrial List (I-3):

- (a) Ammonia, chlorine, or bleaching powder manufacture.
- (b) Animal black, lamp black, bone black, or graphite manufacture.
- (c) Asphalt or asphalt products manufacture.
- (d) Celluloid or pyroxyline manufacturing or explosive or inflammable cellulose or pyroxyline products manufacturing or storage.
- (e) Cement, lime, gypsum or plaster of paris manufacture.
- (f) Crematory.
- (g) Creosote manufacture or treatment.

(h) Distillation of coal, petroleum, refuse, grain, wood or bones, except in the manufacture of gas.

(i) Explosives manufacture or storage, except for small arms ammunition.

(j) Fertilizer, manufacture or storage.

(k) Fish curing, smoking or packing, fish oil manufacture or refining.

(l) Garbage, offal, dead animals, refuse, rancid fats, incineration, reduction or storage.

(m) Glue manufacture, size or gelatin manufacture where the processes include the refining or recovery of products from fish, animal refuse, or offal.

(n) Hog farm.

(o) Livestock feeding yard.

(p) Petroleum or inflammable liquids production and refining.

(q) Rock crushing.

(r) Rubber, caoutchouc or gutta percha manufacture and treatment from crude or scrap material or the manufacture of balata.

(s) Slaughtering of animals or stock yards.

(t) Smelting of ferrous or non-ferrous ores.

(u) Storage, curing or tanning of raw, green or salted hides or skins.

(v) Sulphurous, sulphuric, nitric, picric, carbolic, or hydrochloric, or other corrosive acid manufacturing.

(w) Any other use which is of a similar character to those specified above as determined by the Director of Community Development.

(2) General Industrial List (I-2):

(a) Acetylene manufacturing in excess of fifteen (15) pounds pressure per square inch.

(b) Acid manufacture, except as specified in the Heavy Industrial List.

(c) Asbestos manufacturing.

(d) Automobile, tractor, trailer, farm implement assembly or manufacturing.

(e) Bleaching, cleaning and dyeing plant of large scale production.

(f) Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shop employing reciprocating hammers or presses over twenty (20) tons rated capacity.

(g) Brewing or distilling of liquors.

(h) Brick, pottery, tile and terra cotta manufacturing.

(i) Bulk station.

(j) Cans and other types of containers.

(k) Candle or sperm oil manufacturing.

(l) Cement products and redi-mix plant.

- (m) Cooperage works.
- (n) Dextrine, starch or glucose manufacturing.
- (o) Disinfectant, insecticide or poison manufacturing.
- (p) Dye and dyestuff manufacture.
- (q) Enameling, lacquering and japanning.
- (r) Emery cloth or sandpaper manufacturing.
- (s) Felt manufacturing.
- (t) Flour or grain mill.
- (u) Forge or foundry works.
- (v) Gas, generation or storage for illumination or heating.
- (w) Grain drying or poultry feed manufacturing from refuse, mash, or grain.
- (x) Hair or hair products manufacturing.
- (y) Lime or lime products manufacturing.
- (z) Linoleum, oil cloth or oiled goods manufacturing.
- (aa) Machinery manufacturing.
 - (ba) Match manufacturing.
 - (ca) Meat packing, but not stockyards or slaughterhouses.
 - (da) Metal stamping and extrusion.
 - (ea) Oil, paint, shellac, turpentine, varnish, or enamel manufacturing.
 - (fa) Paper and pulp manufacturing.
 - (ga) Perfume manufacturing.
 - (ha) Pickle, sauerkraut or sausage manufacturing.
- (ia) Plaster manufacturing.
 - (ja) Poultry slaughterhouse including packing and storage for wholesale.
- (ka) Printing ink manufacturing.
 - (la) Radium extraction.
- (ma) Sandblasting or cutting.
 - (na) Sawmill, the manufacture of excelsior, wood fiber, or sawdust products.

- (oa) Sewage disposal plant or incinerator, except by the municipality.
- (pa) Shoddy manufacturing.
 - (qa) Shoe blacking or polish or stove polish manufacturing.
- (ra) Soap manufacturing.
 - (sa) Steam power plant, except where accessory to a permitted principal use.
- (ta) Stone and monument works employment power-driven tools.
 - (ua) Sugar refining.
- (va) Tar or asphalt roofing or water-proofing materials.
 - (wa) Tar distillation or manufacturing.
- (xa) Vinegar manufacturing.
 - (ya) Wire or rod drawing, nut, screw, or bolt manufacturing.
- (za) Yeast manufacturing.
 - (ab) Any other use which is of a similar character to those specified above as determined by the Director of Community Development.

47-18.6 CERTIFICATE OF OCCUPANCY:

Before using any building or premises or part thereof hereafter created, erected, changed, converted, or enlarged in use or structure, a Certificate of Occupancy shall be obtained from the enforcing officer. Such certificate shall show that such building or premises, or part thereof, and the proposed use thereof, conform with the provisions of this chapter.

In addition, the enforcing officer shall issue a Certificate of Occupancy for each legal non-conforming use created by this chapter, or amendments thereto, and for each special exception or variation hereafter granted by the Board of Appeals. Such officer shall keep in his office duplicate copies of such certificate in a separate file arranged by street and number.

47-18.7 REMEDIES:

If any building or land is used, altered, constructed, enlarged, or any such action proposed in violation of the provisions of this Ordinance or any amendment or supplement thereto, the City Attorney, the Enforcing Officer, any person or any property owner damaged by or subject to damage by such violation, in addition to other remedies provided by law, is hereby empowered or authorized to institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, enlargement, change, maintenance, or use.

47-18.8 OTHER ACTION:

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

47-18.9 PENALTIES:

Violation of any provision of this Ordinance or any amendment or supplement thereto, or failure to comply with any of the requirements of this Ordinance shall constitute a misdemeanor. Any person, firm, or corporation violating any of the provisions of this Ordinance, or any amendment or supplement thereto, shall, upon conviction, be fined not less than twenty-five (\$25) dollars, nor more than five-hundred (\$500) dollars, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

47-18.10 AFFECTED PARTIES:

The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or any other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

47-18.11 VIOLATION NUISANCE PER SE - ABATEMENT:

Buildings erected, altered, razed, or converted (or uses carried on) in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance per se.

47-18.12 ZONING DISCLOSURE FOR REAL PROPERTY SALES:

The seller of any real property located within the corporate limits of the City of Joliet shall, in the real estate sales contract signed by the parties to the contract or by written addendum thereto, disclose (a) the zoning classification of the property, (b) the existence of any special use permit, conditional use permit, variation, variation of use, special exception, or restrictive covenant enforceable by the City of Joliet, and (c) the status of the property as either a permanent or amortized legal nonconforming use; provided, however, that this Section shall not apply to the sale of lots of record improved with detached single-family dwellings. *

*Ordinance No. 9318; 11/7/90

ARTICLE IX

BOARD OF APPEALS

SECTION 47-19 CREATION, MEMBERSHIP AND PROCEDURE:

47-19.1 CREATION AND MEMBERSHIP - TERM - REMOVAL:

A Board of Appeals is hereby authorized to be established and shall consist of seven (7) members appointed by the Mayor and confirmed by the City Council. The word "Board" when used hereafter shall mean the Board of Appeals. The first seven members appointed shall serve terms of one, two, three, four, five, six, and seven years respectively. Thereafter, appointments shall be for five (5) year terms and, when vacancies occur, they should be filled for the unexpired terms only. At least two members of the Board shall be members of the Joliet Plan Commission. The Mayor, with the concurrence of the

City Council, shall have power to remove any member for cause after a public hearing before the City Council upon giving ten days written notice thereof to the member whose removal is to be considered.

47-19.2 CHAIRMAN AND MEETINGS:

The Mayor shall name a member as Chairman at the time such member is appointed. Meetings shall be held at the call of the Chairman or upon the request of any three members of the Board. All meetings shall be held within the City of Joliet and shall be open to the public. The Chairman may administer oaths and compel the attendance of witnesses. When necessary, an acting Chairman may perform the duties of the Chairman.

47-19.3 RECORDS OF PROCEEDINGS - EXPENSES - RULES:

The Board shall keep minutes showing the attendance and the vote of each member upon every question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official action. A record of every rule, regulation, amendment, or repeal thereof, and every order, requirement, decision, determination shall immediately be filed in the office of the enforcing officer which record shall be open to the public. The Board may incur such expenditures as are authorized by the City Council. The Board shall adopt Rules of Procedure not in conflict with statute or the provisions of this Chapter.

47-19.4 VOTE REQUIREMENTS:

Four members of the Board shall constitute a quorum. The concurring vote of four members of the Board shall be necessary (1) to reverse any order, requirement, decision, or determination of the enforcing officer, (2) to decide in favor of the applicant any matter upon which it is or may be required to pass, and (3) to affect any variation from the strict application of the regulations of this Chapter. In all other matters, the concurring vote of a majority of the members present and constituting a quorum shall be determinative.

47-19.5 PETITIONS:

In considering any question, the Board shall not require the preparation or circulation of any petition and shall not consider as a determining factor any frontage or property consents or the consensus of any petition voluntarily presented to it bearing one way or another on any such question.

47-19.6 FUNCTIONS AND POWERS:

(1) General: The Board shall have the power to hear and decide, in accordance with the provisions of this Chapter, requests or applications for special exceptions or for interpretation of the Zoning Map or for decisions upon other special questions upon which the Board is authorized to pass. The Board of Appeals shall not grant variations of use.

(2) Special exceptions: In addition to permitting the special exceptions heretofore, specified in this chapter, the Board shall have authority to permit the following:

(a) The temporary use of a building or premises in any district for a purpose of use that does not conform to the regulations prescribed by this chapter, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form

of a temporary and revocable permit for not more than a 12 month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

(b) The temporary use of a building or premises in undeveloped sections for a purpose that does not conform to the regulations prescribed by this chapter, provided that such structure or use is of a true temporary nature, is promotive of or incidental to the development of such undeveloped sections, and does not involve the erection of substantial buildings. Such permit shall be granted in the form specified under sub-section (a) above.

(3) Interpretation of Map: Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines indicated on the Zoning Map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this chapter for the particular section or district in question.

(4) Variation and Administrative Review: The Board may determine and vary the application of regulations contained in this chapter in a specific case in harmony with their general purpose and intent and in accordance with the rules hereinafter prescribed in cases where there are practical difficulties or particular hardships in the way of carrying out the strict letter of any such regulations relating to the location, construction, or alteration of buildings, or structures. The Board shall also hear and decide appeals from and review and order, requirement, decision, or determination made by the enforcing officer and may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination of said enforcing officer as in the opinion of the Board ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal is taken.

(5) Procedure: An appeal may be taken from any order, requirement, decision, or determination of the enforcing officer by any officer, department, board or bureau of the City within the time prescribed by the Board by general rule, by filing a notice of appeal specifying the grounds thereof with the Board and with the enforcing officer. The enforcing officer shall forthwith transmit to the Board all of the papers constituting the record in such case.

(6) Fees: Each application or appeal shall be accompanied by a fee of One Hundred Twenty Dollars (\$120.00) to be collected by the enforcing officer and deposited in the City treasury. *

* Ord. #13403; 12/04/01

47-19.7 APPLICATION FOR SPECIAL EXCEPTION OR APPEAL FOR VARIATION:

(1) An owner of real property may petition for a special use permit, variation, variation of use, special exception or temporary exception with respect to such property, or for other relief authorized by the Zoning Ordinance, by filing a petition with the Secretary of the Board of Appeals.

The application shall describe the subject property and shall be under oath and duly notarized. The application shall disclose the name and address of all persons holding a legal or beneficial ownership interest in the subject property. The form of the petition shall be determined by the Secretary of the Board of Appeals.

If the owner of the subject property is a land trust, the application must identify each trustee and beneficiary of the trust and the percentage of interest held by each beneficiary.

If the owner of the subject property is a partnership or joint venture, the application must identify each partner, including each general or limited partner, and each joint venturer.

If the owner of the subject property is a corporation, the application must identify all persons holding directly or indirectly more than 3% of the issued stock of the corporation and the percentage of shares held by each such shareholder.

If the owner of the subject property is a limited liability company, the application must identify all members of the company and the percentage of interest held by each member.

If the owner of the subject property is some other entity authorized by law to hold legal or equitable title to real property, the application must identify all officers or similar persons having the right to direct the affairs of the entity.

The petition shall be referred to the Board of Appeals for public hearing. Notice of the hearing shall be published at least once in a newspaper of general circulation in the City of Joliet at least 15 days but no more than 30 days prior to the hearing. The notice shall specify the time and place of the hearing and shall contain a description of the subject property and a brief statement of the nature of the requested relief. In addition to publication notice, notice of the public hearing shall be given by posting a land use change informational sign on the subject property in accordance with the provisions of Section 47-19.7(6) of the Zoning Ordinance.**

** Adopted by Ord. #15250; 8/16/05

(2) Time: The Board shall fix a reasonable time for the hearing of an application or appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by attorney.

(3) Denial - no hearing: An appeal for a variation considered at any meeting of the Board and found to have insufficient grounds may be denied without a duly advertised public hearing.

(4) Stay: An appeal stays all proceedings in furtherance of the action appealed from unless the enforcing officer certifies that such stay would cause imminent peril to life or property in which case such proceedings shall not be stayed except by restraining order issued by the Board or a court of record.

(5) Whenever the subject property is in a land trust, the applicant must disclose the identity of each beneficiary of such trust, including the name, address, and percentage of interest of each beneficiary under oath and shall be filed at the time of filing the application.

Whenever the applicant is a partnership or association of two or more persons holding a joint or common interest, the names and addresses of each partner or associate shall be filed at the time of filing the application.

Whenever the applicant is an agent or agents or nominee, the principals for whom such agent, agents or nominee holding such interest shall be disclosed. Such disclosure shall be a statement under oath and shall be filed at the time of filing the application.

Whenever the applicant is a corporation, the names and addresses of all shareholders owning shares equal to or in excess of 3% of the proportionate interest, the names, addresses, and percentage of each therein shall be disclosed. Such disclosure shall be a statement under oath and shall be filed at the time of filing the application.

In addition to the above, the applicant, all beneficial owners of a trust, all agents, nominees, partners or shareholders shall file a sworn affidavit with the City Manager or his designee that he holds the interest for no other person, association or shareholder, and in the event that he does hold such interest for other person or persons, the name of each person or persons shall be disclosed. *

* Adopted by Ord. #9182; 5/15/90

(6) Land Use Change Informational Signs: In addition to the publication of newspaper notice for a public hearing on any request for a land use change (such as a petition for a variation, special exception, variation of use, or zoning reclassification), notice of a public hearing on such land use change shall be given by posting one or more land use change informational signs on the subject property in accordance with the following provisions:

(A) For parcels comprising 1 acre or more:

(1) The applicant or the applicant's agent shall erect a sign or signs with minimum dimensions of three (3) by four (4) feet. The number and location of the sign(s) shall be determined by the City Manager or his designee.

(2) The sign(s) shall conform to the format provided by the City Manager or his designee and shall contain the time and place of public hearing and the nature of the application.

(3) The sign(s) shall be posted at least 15 days but not more than 30 days before the public hearing date.

(4) It shall be the responsibility of the applicant to prepare and create such signs and to erect whatever framework that may be necessary to display the signage.

(5) Upon completion of the public hearing, the sign(s) shall be removed within 10 days. If the applicant fails to remove the sign, the City of Joliet may remove the sign, and the cost of such removal shall be billed to the applicant and shall constitute a debt payable to the City.

(B) For parcels of less than 1 acre:

(1) The applicant or the applicant's agent shall erect at least one sign for every 500 feet of street frontage, with a minimum of one sign on each street abutting the property.

(2) The sign(s) shall be posted at least 15 days but not more than 30 days before the public hearing date.

(3) The sign(s) shall contain the time and place of the public hearing and the nature of the application.

(4) The sign(s) required to be erected under this Section shall be provided by the City of Joliet upon the applicant's payment of a \$50.00 deposit for each sign with the City of Joliet. It shall be the applicant's responsibility to post the sign(s). The applicant's deposit shall be refunded upon return of the sign(s).

(5) Upon completion of the public hearing, the sign(s) shall be removed and returned to the City of Joliet within ten days. If the applicant fails to remove the sign within ten days, the City of Joliet may remove the sign, and the cost of removal shall be deducted from the applicant's sign deposit.

(6) The sign(s) shall be placed in a conspicuous location on the property so the sign(s) may be observed and read from the street, and the applicant shall provide a written certification of the posting of the sign(s), which certification shall include the date and location of the posting of the sign(s).

(7) The applicant's failure to post the sign(s) as required by this section may result in the deferral of action on or the denial of the applicant's petition. If any required sign is properly posted in a timely manner before the public hearing but is subsequently removed or displaced by an act of vandalism or by inclement weather, the applicant shall be responsible for the replacement of the sign in the proper location. The absence of the sign for a temporary period shall not be a jurisdictional defect that will invalidate the application or any final or advisory action taken thereon.

(8) The City Manager or his designee shall be authorized to vary the provisions of this section when any of the provisions are inappropriate to provide the intended notice under the particular circumstances. The City Manager or his designee shall be authorized to require the applicant to provide an alternate method of providing notice when necessary to provide adequate public notice. The applicant shall be required to pay any required fee for the provision of alternate notice. *, **

*Ordinance #9879; 4/21/92

** Ordinance #12937; 10/17/00

47-19.8 FINDING OF FACTS SUPPORTING VARIATION:

A variation shall not be granted in any case unless the Board shall find and clearly state in its record of the case that:

(1) Reasons sustaining the contention that strict enforcement of the Ordinance would involve practical difficulties or impose exceptional hardship were found as follows:

- (a) _____
- (b) _____ (list of reasons)
- (c) _____

(2) Adequate evidence was submitted to establish practical difficulties or particular hardship so that, in the judgment of the Board, a variation is permitted because the evidence sustained the existence of each of the three following conditions:

- (a) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the particular district or zone.
- (b) The plight of the owner is due to unique circumstances.
- (c) The variation, if granted, will not alter the essential character of the locality.

(3) A public hearing was held on such variation of which at least 15 days and not more than 30 days notice was published in the _____ (name of newspaper) on _____ (date).

ARTICLE X

SECTION 47-20 DISTRICT CHANGES AND ORDINANCE AMENDMENTS:

47-20.1 AMENDMENTS - PROCEDURES:

(A) The City Council of the City of Joliet may from time to time amend the regulations imposed and the districts created by this Ordinance after a public hearing before the Plan Commission. Notice of the hearing shall be published at least once in a newspaper of general circulation in the City of Joliet at least 15 days but no more than 30 days prior to the hearing. The notice shall specify the time and place of the hearing and shall contain the particular location of the proposed amendment as well as a brief statement of the nature of the proposed amendment. In addition to the publication of newspaper notice, notice of the public hearing shall be given by posting a land use change informational sign on the subject property in accordance with the provisions of Section 47-19.7(6) of the Zoning Ordinance. *

(B) In case of a written protest against any proposed amendment of the regulations, districts, or other requirements of this Ordinance signed and acknowledged by the owners of 20% of the frontage to be altered, or by the owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered is filed with the City Clerk of the City of Joliet, the proposed amendment shall not be passed except by a favorable vote of two-thirds of the members of the City Council then holding office. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by either personal service or by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

(C) When a proposed amendment of the regulations, districts, or other requirement of this Ordinance fails to receive the approval of the Plan Commission, the proposed amendment shall not be passed except by a favorable vote of at least two-thirds of the members of the City Council then holding office. Provided, the two-thirds vote requirement of this subsection shall apply only when the proposed amendment is rejected by at least a majority of the members of the Plan Commission then holding office.
**

* Adopted by Ord. #9879; 4/21/92

** Adopted by Ord. #8729; 10/4/88

47-20.2 APPLICATION FOR REZONING:

An owner of real property may petition for the rezoning of such property, or for other relief authorized by the Zoning Ordinance, by filing a petition with the Secretary of the Plan Commission. The petition shall be accompanied by a non-refundable fee in the amount of \$235.

The application shall describe the real property sought to be rezoned and shall be under oath and duly notarized. The application shall disclose the name and address of all persons holding a legal or beneficial ownership interest in the subject property. The form of the petition shall be determined by the Secretary of the Plan Commission.

If the owner of the subject property is a land trust, the application must identify each trustee and beneficiary of the trust and the percentage of interest held by each beneficiary.

If the owner of the subject property is a partnership or joint venture, the application must identify each partner, including each general or limited partner, and each joint venturer.

If the owner of the subject property is a corporation, the application must identify all persons holding directly or indirectly more than 3% of the issued stock of the corporation and the percentage of shares held by each such shareholder.

If the owner of the subject property is a limited liability company, the application must identify all members of the company and the percentage of interest held by each member.

If the owner of the subject property is some other entity authorized by law to hold legal or equitable title to real property, the application must identify all officers or similar persons having the right to direct the affairs of the entity.

The petition shall be referred to the Plan Commission for public hearing. Notice of the hearing shall be published at least once in a newspaper of general circulation in the City of Joliet at least 15 days but no more than 30 days prior to the hearing. The notice shall specify the time and place of the hearing and shall contain a description of the subject property and a brief statement of the nature of the requested relief. In addition to publication notice, notice of the public hearing shall be given by posting a land use change informational sign on the subject property in accordance with the provisions of Section 47-19.7(6) of the Zoning Ordinance.**

** Adopted by Ord. #15250; 8/16/05

47-20.3 FAILURE TO NOTIFY:

The failure to notify, as provided by this article, shall not invalidate an ordinance, provided such failure was not intentional, and the omission of the name of any owner or occupant of property who may, in the opinion of the Plan Commission, be affected by such amendment, supplement or change, unless such omission is intentional shall not invalidate any ordinance passed hereunder, it being the intention of this Article to provide so far as may be feasible for notice to be made to the persons substantially interested in the proposed change that an ordinance is pending before the Council proposing to make a change in zoning.

47-20.4 AMENDMENT-REDISTRICTING:

No lot, group of lots, or unsubdivided territory shall by amendment be reclassified and placed in a lower district unless such land is sufficient in size to constitute a zoning district or unless it adjoins other land already classified in the same lower district.

47-20.5 VALIDITY:

Should any section, clause or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Chapter as a whole or any part thereof other than the part so declared to be invalid.

47-20.6

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

47-20.7

This Ordinance shall take effect upon its passage, approval and recording according to law.

PASSED this 5th day of December, A.D., 1968

Nancy Vallera
City Clerk

APPROVED this 5th day of December, A.D., 1968

Maurice Berlinsky
Mayor

PRINTED and published by authority of the City Council of the City of Joliet.

RECORDED in General Ordinance Book No. 13 at Page 203-235 this 6th day of December, A.D., 1968.`

APPENDIX

CONSOLIDATED STORMWATER MANAGEMENT, SOIL EROSION AND SEDIMENT CONTROL AND FLOODPLAIN MANAGEMENT REGULATIONS (2003)

STORMWATER MANAGEMENT REGULATIONS

Sec. 31-205. Stormwater detention regulations

The stormwater detention regulations set forth in this section shall apply to any development for which an application for a preliminary plat is filed on or after December 1, 1993, and to any property subject to Section 8-59 of this Code for which a building permit has been applied for on or after December 1, 1993.

The purpose of the stormwater detention regulations is to diminish threats to public health, safety and welfare caused by runoff of excessive stormwater from new development and redevelopment. This excessive stormwater could result in the inundation of damageable properties, the erosion and destabilization of downstream channels, and the pollution of valuable stream and lake resources. The cause of increases in stormwater runoff quantity and rate and impairment of quality is the development and improvement of land. These regulations control development activities to prevent adverse impacts.

These regulations are adopted to accomplish the following objectives:

Objective 1. To assure that new development does not increase the drainage or flood hazards to others or create unstable conditions susceptible to erosion;

Objective 2. To protect new buildings and major improvements to buildings from flood damage due to increased stormwater runoff;

Objective 3. To protect human life and health from hazards of increased flooding on a watershed basis;

Objective 4. To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, correction of channel erosion problems, and flood rescue and relief operations caused by increased stormwater runoff quantities from new development;

Objective 5. To protect, conserve and promote orderly development of land and water resources;

Objective 6. To preserve the natural hydrologic and hydraulic functions of watercourses and floodplains and to protect water quality and aquatic habitats;

Objective 7. To preserve the natural characteristics of stream corridors in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Ordinance No. 11301, Section 1, adopted December 3, 1996.

(a) *General regulations*

(1) The peak discharge rate from a storm detention facility shall be controlled for the two year 24-hour storm event and the 100 year 24-hour storm event to levels that will not cause and increase in flooding or channel instability downstream when considered in aggregate with other developed properties and downstream drainage capacities. The peak discharge from events less than or equal to the two-year event shall not be greater than 0.04 cfs per acre of property drained. The peak 100 year discharge shall not be greater than 0.15 cfs per acre of property drained.

(2) The rational method shall be used to determine the volume of detention to be constructed. The volume of detention storage shall be determined for the 100-year event of critical duration (the duration that requires maximum storage).

(3) All design rainfall events shall be based on the Illinois State Water Survey's Bulletin 70.

(4) Design criteria for the construction of detention facilities are contained in the Subdivision Regulations.

(5) The City Manager or his designee shall be authorized to require more stringent release rates where detailed regional studies indicate that the receiving stream does not have capacity to accept release at the rate allows by subsection (a)(1).

Ordinance No. 10323, Section 2, adopted December 8, 1993.

(b) ***Submittals***

The submittal of the stormwater drainage system shall include an evaluation of the site design features which minimize the increase in runoff volumes and rates from the site. The submittal shall include evaluations of site design features which are consistent with the following hierarchy:

(1) minimize impervious surfaces on the property consistent with the needs of the project;

(2) attenuate flows by use of open vegetated swales and natural depressions;

(3) Infiltrate runoff on-site

(4) provide stormwater retention structures;

(5) provide stormwater detention structures;

(6) construct storm sewers.

Ordinance No. 10323, Section 2, adopted December 8, 1993, as amended by Ordinance No. 11301, Section 2, adopted December 3, 1996.

(c) ***Design Objectives***

(1) The drainage system should be designed to minimize adverse water quality impacts downstream and on the property itself. Detention basins shall incorporate design features to capture stormwater runoff pollutants. In particular, designers shall give preference to wet bottom and wetland designs and all flows from the development shall be routed through the basin (i.e., low flows shall not be bypassed). Retention and infiltration of stormwater shall be promoted throughout the property's drainage system to reduce the volume of stormwater runoff and to reduce the quantity of runoff pollutants.

(2) The drainage system should incorporate multiple uses where practicable. Uses considered compatible with stormwater management include open space, aesthetics, aquatic habitat, recreation (boating,

trails, playing fields), wetlands and water quality mitigation. The applicant should avoid using portions of the property exclusively for stormwater management.

Ordinance No. 10323, Section 2, adopted December 8, 1993, as amended by Ordinance No. 11301, Section 3, adopted December 3, 1996.

(d) ***Wet Detention Basins***

(1) *Wet detention basin design.* Wet detention basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing, and as much as feasible to be available for recreational use.

(2) *Wet detention depths.* Wet basins shall be at least three feet deep, excluding nearshore banks and safety ledges. If fish habitat is to be provided, they shall be at least ten feet deep over twenty-five percent of the bottom area to prevent winter freezeout.

(3) *Inlet and outlet orientation.* To the extent feasible the distance between detention inlets and outlets shall be maximized.

Ordinance No. 10323, Section 2, adopted December 8, 1993.

(e) ***Wetland and Dry Detention Basin Design:***

In addition to the other requirements of this ordinance, wet and dry basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing and as much as feasible to be available for multiple uses.

(1) *Wetland and Dry Basin Drainage:* Wetland and dry basins shall be designed so that the portion of their bottom area which is intended to be dry shall have standing water no longer than seventy-two hours for all runoff events less than the 100-year event. Underdrains directed to the outlet may be used to accomplish this requirement. Grading plans shall clearly distinguish the wet/wetland, portion of the basin bottom from the dry portion.

(2) *Velocity dissipation:* Velocity dissipation measures shall be incorporated into dry basin designs to minimize erosion at inlets and outlets and to minimize the resuspension of pollutants.

(3) *Inlet and Outlet Orientation:* To the extent feasible, the distance between detention inlets and outlets shall be maximized. If possible, they should be at opposite ends of the basin. There should be no low flow bypass between the inlet and outlet.

(4) *Stilling/Sedimentation Basins:* A stilling/sedimentation basin should be constructed at each major inlet to a wetland or dry basin. The volume of the basins should be at least 500 ft. per acre of impervious surface in the drainage area. Side slopes of the basins shall be no steeper than 3 horizontal to 1 vertical and basin depths should be at least 3 feet to minimize resuspension of accumulated sediment.

Ordinance No. 10323, Section 2, adopted December 8, 1993, as amended by Ordinance No. 11301, Section 4, adopted December 3, 1996

(f) ***Minimum detention outlet size***

Where a single pipe outlet or orifice plate is to be used to control the discharge, it shall have a minimum diameter of 4 inches. If this minimum orifice permits a release rate greater than those specified in 31-205(a) and regional detention is not a practical alternative, alternative outlet designs shall be utilized which incorporate perforated risers or other self-cleaning flow restrictors.

(g) ***Detention in floodplains***

The placement of detention basins within the floodplain is strongly discouraged because of questions about their reliable operation during flood events. However, the stormwater detention requirements of this ordinance may be fulfilled by providing detention storage within flood fringe areas on the project site provided the following provisions are met:

(1) *Detention in flood fringe areas:* The placement of a detention basin in a flood fringe area shall require compensatory storage for 1.0 times the volume below the base flood elevation occupied by the detention basin including any berms. The release from the detention storage provided shall still be controlled consistent with the requirements of this section. The applicant shall demonstrate its operation for all streamflow and floodplain backwater conditions. Excavations for compensatory storage along watercourses shall be opposite or adjacent to the area occupied by detention. All floodplain storage lost below the ten-year flood elevation shall be replaced below the ten-year flood elevation. All floodplain storage lost above the existing ten-year flood elevation shall be replaced about the proposed ten-year flood elevation. All compensatory storage excavations shall be constructed to drain freely and openly to the watercourse.

(2) *Detention in floodways:* Detention basins shall be placed in the floodway only in accordance with subsection (g)(3).

(3) *On-stream detention:* On stream detention basins are discouraged but allowable if they provide regional public benefits and if they meet the other provisions of these regulations with respect to water quality and control of the two-year and 100 year, 24-hour events from this property. Further criteria are presented in section 5.5.C.3 of the Subdivision Regulations. If on-stream detention is used for watersheds larger than one square mile, it is recommended that the applicant used dynamic modeling to demonstrate that the design will not increase stage for any properties upstream or downstream of the property. Also, impoundment of the stream as part of on-stream detention:

(a) shall not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning.

(b) shall not cause or contribute to the degradation of water quality or stream aquatic habitat,

(c) shall include a design calling for gradual bank slopes, appropriate bank stabilization measures, and a pre-sedimentation basin, and,

(d) shall require the implementation of an effective nonpoint source management program throughout the upstream watershed which shall include at a minimum: runoff reduction BMPs consistent with this ordinance; 2-year detention/sedimentation basins for all development consistent with Section 709.4; and a program to control nonpoint sources at the source for prior developments constructed without appropriate stormwater BMPs.

(h) ***Protection of Wetlands and Depressional Storage Areas***

Wetlands and other depressional storage areas shall be protected from damaging modifications and adverse changes in runoff quality and quantity associated with land developments. In addition to the other requirements of this ordinance, the following requirements shall be met for all developments whose drainage flows into wetlands and depressions] storage areas (as appropriate):

(1) *Detention in Wetlands and Depressional Storage Areas:* Existing wetlands shall not be modified for the purposes of stormwater detention unless it is demonstrated that the existing wetland is low in quality and the proposed modifications will maintain or improve its habitat and ability to perform beneficial functions. Existing storage and release rate characteristics of wetlands and other depressional storage areas shall be maintained and the volume of detention storage provided to meet the requirements of this section shall be in addition to this existing storage.

(2) *Sediment Control:* The existing wetland shall be protected during construction by appropriate soil erosion and sediment control measures and shall not be filled.

(3) *Alteration of drainage patterns:* Site drainage patterns shall not be altered to substantially decrease or increase the existing area tributary to the wetland.

(4) *Detention/Sedimentation:* All runoff from the development tributary to the wetland shall be routed through a preliminary detention/sedimentation basin designed to capture the two-year, 24 hour event and hold it for at least 24 hours, before being discharged to the wetland. This basin shall be constructed before grading begins. In addition, the drainage hierarchy defined in Section 31-205 (b) should be followed to minimize runoff volumes and rates being discharged to the wetland.

(5) *Vegetated Buffer Strip:* A buffer strip of at least 25 feet in width, preferably vegetated with native plant species, shall be maintained or restored around the periphery of the wetland.

Ordinance No. 10323, Section 2, adopted December 8, 1993, as amended by Ordinance No. 11301, Section 6, adopted December 3, 1996

(i) ***Streets and parking lots***

(1) *Streets:* If streets are to be used as part of the drainage system, ponding depths shall not exceed curb heights by more than six inches and shall not remain flooded for more than eight hours for any event less than or equal to the 100-year event.

(2) *Parking lots:* The maximum stormwater ponding depth in any parking area shall not exceed twelve inches.

Ordinance No. 10323, Section 2, adopted December 8, 1993.

(j) ***Infiltration Practices***

Infiltration practices including basins, trenches and porous pavement may be allowed if the following conditions are met:

(1) A soil survey indicates that the existing soil types are adequate for infiltration practice.

(2) The bottom of any proposed infiltration facility is located a minimum of four feet above the seasonally high groundwater and bedrock.

(3) A sediment settling basin is provided to remove sediment from stormwater flows before they reach infiltration basins or trenches.

(4) Infiltration facilities are located more than 75 feet from any existing or proposed building foundation.

(5) Stormwater shall not be allowed to stand more than 72 hours over eighty percent of a dry basin's bottom area for the maximum design event.

(6) The infiltration facility is located so that a positive outfall could be installed and the basin could be converted to a dry detention basin if the bottom of the basin becomes clogged with sediment in the future.

Ordinance No. 10323, Section 2, adopted December 8, 1993, as amended by Ordinance No. 11301, Section 7, adopted December 3, 1996

(k) ***Maintenance considerations***

The stormwater drainage system shall be designed to minimize and facilitate maintenance. Turfed sideslopes shall be designed to allow lawn mowing equipment to easily negotiate them. Pre-sedimentation basins shall be provided with easy methods for removing sediment. Access for heavy equipment shall be provided to the pre-sedimentation basins. In addition, all applicants shall be required to establish a restrictive covenant by notation on the record plat stating that the maintenance of the detention area is the responsibility of all property owners in the subdivision, including bank stabilization, bank maintenance, future sediment removal, or dredging, stabilization of water levels, outfall structures and storm sewer pipes within the detention easement.

Ordinance No. 10323, Section 2, adopted December 8, 1993, as amended by Ordinance No. 14207, Section 7, adopted March 4, 2003..

(l) ***Accommodating flows from upstream tributary areas***

Stormwater runoff from areas tributary to the property shall be considered in the design of the property's drainage system. Whenever practicable, flows from upstream areas that are not to be detained should be routed around the basin being provided for the site being developed.

(1) ***Upstream areas not meeting current requirements:*** When there are areas not meeting the storage and release rates of these regulations, tributary to the applicant's property, regionalized detention on the applicant's property shall be explored by the applicant. The following steps shall be followed:

(a) The applicant shall compute the storage volume needed for his property using the release rates of Section 31- 205(a), the applicant's property area, and the procedures described in section 31-205(a).

(b) Areas tributary to the applicant's property, not meeting the storage and release rate requirements of these regulations, shall be identified.

(c) Using the areas determined in subsection (b) above plus the applicant's property area, total storage needed for the combined properties shall be computed.

(d) Allowable release rates shall be computed using the combined property areas. Storage shall be computed as described in Section 31-205(a). If tributary areas are not developed, a reasonable fully developed land cover based on local zoning, shall be assumed for purposes of computing storage.

(e) Once the necessary combined storage is computed, the City of Joliet may choose to pay for oversizing the applicant's detention basin to accommodate the regional flows. The applicant's responsibility will be limited to the storage for his property as computed in subsection (a) above. If regional storage is selected by the City of Joliet, then the design produced in subsection (d) above shall be implemented.

(f) If regional storage is rejected by the City of Joliet, the applicant shall design the storage and release rates for the applicant's property only. Existing upstream flows shall be routed around the storage when practicable.

(2) *Upstream areas meeting ordinance requirements:* When there are areas which meet the storage and release rate requirements of this ordinance, tributary to the applicant's property, the upstream flows shall be bypassed around the applicant's detention basin, or be routed through the applicant's detention basin if this is the only practicable alternative. Storage needed for the applicant's property shall still be computed as described in subsection (1)(1). However, if the City of Joliet decides to route tributary area flows through an applicant's basin, the final design stormwater releases shall be based on the combined total of the applicant's property plus tributary areas. It must be shown that at no time will the runoff from the applicant's property exceed the allowable release rate for the applicant's property alone.

Ordinance No. 10323, Section 2, adopted December 8, 1993.

(m) ***Time of Construction of Storage Areas***

Where detention, retention or depressional storage areas are to be used as part of the drainage system for a property, they shall be constructed as the first part of the initial earthwork program. Temporary detention facilities can be provided where the schedule for the site does not include the permanent detention site as a part of the initial development. Bonding for the completion of adequate permanent facilities shall be provided with the first increment of the development recorded.

Ordinance No. 10323, Section 2, adopted December 8, 1993.

(n) ***Maintenance responsibility***

The maintenance of stormwater detention facilities shall be provided by the property owner(s) of the site. The owner(s) of the property shall grant an easement to the City of Joliet in the event that Joliet needs to enter the property to correct deficiencies in the maintenance provided by the owner(s). Presedimentation facilities, inlet control structures and outlet structures shall be maintained by the City of Joliet to assure adequate functioning of the facility.

Ordinance No. 10323, Section 2, adopted December 8, 1993.

SOIL EROSION AND SEDIMENT CONTROL REGULATIONS

Sec. 31-206. Site development permit.

The regulation of soil erosion and sediment control is provided by Sections 31-206 and 31-207. The purpose of these sections is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or otherwise results in movement of earth on land situated within the corporate limits of Joliet. It is the intention of these sections that the delivery of sediment from sites affected by land disturbing activity be limited, as closely as practicable, to that which would have occurred if the land had been left in its natural undisturbed state.

It is the objective of these regulations to control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating, and filling of land. Measures taken to control soil erosion and offsite sediment runoff should be adequate to assure that sediment is not

transported from the site by a storm event of ten-year frequency or less. The following principles shall apply to activities regulated by this section.

Principle 1: Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided wherever possible, and natural contours should be followed as closely as possible.

Principle 2: Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to natural watercourses, lakes, ponds, and wetlands should be left undisturbed wherever possible. Temporary crossings of watercourses, when permitted, must include appropriate stabilization measures.

Principle 3: Special precautions should be taken to prevent damages resultant from any necessary development activity within or adjacent to any stream, take, pond, or wetlands Preventative measures should reflect the sensitivity of these areas to erosion and sedimentation.

Principle 4: The smallest practical area of land should be exposed for the shortest practical time during development.

Principle 5: Sediment basins or traps, filter barriers, diversions, and any other appropriate sediment or runoff control measures should be installed prior to site clearing and grading and maintained to remove sediment from run-off waters from land undergoing development

Principle 6: The selection of erosion and sedimentation control measures should be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs, and benefits involved.

Principle 7: In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance should be considered.

Principle 8: Provision should be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development. Drainageways should be designed so that their final gradients and the resultant velocities and rates of discharge will not create additional erosion onsite or downstream.

Principle 9: Permanent vegetation and structures should be installed and functional as soon as practical during development.

Principle 10: Those areas being converted from agricultural purposes to other land uses should be vegetated with an appropriate protective cover prior to development.

Principle 11: All waste generated as a result of site development activity should be properly disposed of and should be prevented from being carried off the site by either wind or water.

Principle 12: All construction sites should provide measures to prevent sediment from being tracked onto public or private roadways.

Ordinance No. 11301, Section 8, adopted December 3, 1996.

(a) ***Permit required***

Except as otherwise provided in this ordinance, no person shall commence or perform any clearing, grading, stripping, excavating, or filling of land which meets the following provisions without having first obtained a site development permit from the City of Joliet.

(1) Any land disturbing activity (i.e. clearing, grading, stripping, excavation, fill, or any combination thereof) that will affect an area in excess of 5000 square feet.

(2) Any land disturbing activity that will affect an area in excess of 500 square feet if the activity is within 25 feet of a lake, pond, stream, or wetland; or

(3) Excavation, fill, or any combination thereof that will exceed 100 cubic yards.

Ordinance No. 10323, Section 3, adopted December 8, 1993.

(b) ***Exceptions***

A permit shall not be required for any of the following provided that the person responsible for any such development shall implement necessary soil erosion and sediment control measures to satisfy the principles set forth in the Subdivision Regulations.

(1) Excavation below final grade for the basement and footings of a single-family residence and appurtenant structures on a site in excess of two acres for which a building permit has been issued by the City of Joliet;

(2) Excavation below final grade for the basement and footings of a single-family residence on a site two (2) acres or less which was permitted by subdivision approval.

(3) Agricultural use of land on a site which has a permit provided by subdivision; or

(4) Installation, renovation, or replacement of a septic system to serve an existing dwelling or structure.

Ordinance No. 10323, Section 3, adopted December 8, 1993.

(c) ***Application for permit***

Application for a site development permit shall be made by the owner of the property or the owner's authorized agent to the city manager or his designee on a form furnished for that purpose. Each application shall bear the name(s) and address(es) of the owner or developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's principal contract at such firm and shall be accompanied by a filing fee of \$250.00. Each application shall include certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the permit.

Ordinance No. 10323, Section 3, adopted December 8, 1993.

(d) ***Submissions***

Each application for a site development permit shall be accompanied by the following information:

(1) A vicinity map in sufficient detail to enable easy location in the field of the site for which the permit is sought and including the boundary line and approximate acreage of the site, existing zoning a legend and scale.

(2) (a) Existing topography of the site and adjacent land within approximately 100 feet of the boundaries, drawn at no greater than two-foot contour intervals **and** clearly portraying the conformation and drainage pattern of the area.

(b) The location of existing buildings, structures, utilities, streams, lakes, floodplains, wetlands and depressions, drainage facilities vegetative cover, paved areas and other significant natural or man-made features on the site and adjacent land within 100 feet of the boundary.

(c) Proposed use of the site, including present development and planned utilization; areas of clearing, stripping, grading, excavation and filling; proposed contours, finished grades and street profiles; provisions for storm drainage, including storm sewers, swales, detention basins and any other measures to control the rate of runoff with a drainage area map, indications of flow directions and computations; kinds and locations of utilities; and areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized or left undisturbed.

(3) An erosion and sediment control plan showing all measures necessary to meet the objectives of this ordinance throughout all phases of construction and permanently after completion of development of the site, including:

(a) Location and description including standard depths of all sediment control measures and design specifics of sediment basins and traps including outlet details.

(b) Location and description of all soil stabilization and erosion control measures including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures and types of non-vegetative stabilization measures.

(c) Location and description of all runoff control measures including diversions, waterways and outlets.

(d) Location and description of methods to prevent tracking of sediment offsite including construction entrance details as appropriate.

(e) Description of dust and traffic control measures.

(f) Locations of stockpiles and description of stabilization methods.

(g) Description of off-site fill or borrow volumes, locations and methods of stabilization.

(h) Provisions for maintenance of control measures including type and frequency of maintenance and easements the person(s) or entity which will have legal responsibility for maintenance of erosion control structures and measures during development and after development is completed.

(i) Identification (name, address and telephone) of the person(s) or entity which will have legal responsibility for maintenance of erosion control structures and measures during development and after development is completed.

(4) The proposed phasing of development of the site including stripping and clearing, rough grading and construction and final grading and landscaping . Phasing should identify the expected date clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of installation of temporary sediment control measures (including perimeter controls), clearing and grading, installation of temporary soil stabilization measures, installation of storm measures, paving streets and parking areas, final

grading, and the establishment of permanent vegetative cover and the removal of temporary measures. It shall be the responsibility of the applicant to notify the City of Joliet of any significant changes which occur in the site development schedule after the initial erosion and sediment control plan has been approved.

These submissions shall be prepared in accordance with the requirements of these regulations and the standards and requirements of the "Illinois Urban Manual" (NRCS, IEPA, 1995).

The City of Joliet may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of these regulations.

Ordinance No. 10323, Section 3, adopted December 8, 1993, as amended by Ordinance No. 11301, Section 9, adopted December 3, 1996

(e) ***Bonds***

The applicant is required to file with the City of Joliet a faithful performance bond or bonds, letter of credit or other improvement security satisfactory to the city manager or his designee in an amount deemed sufficient by the city manager or his designee to cover all costs of improvements, landscaping, maintenance of improvements and landscaping, and soil erosion and sediment control measures for such period as specified by the City of Joliet and engineering and inspection cost to cover the cost of failure or repair or improvements installed on the site.

Ordinance No. 10323, Section 3, adopted December 8, 1993.

(f) ***Review and approval***

Each application for a site development permit shall, be reviewed and acted upon according to the following procedures:

(1) The City of Joliet will review each application for a site development permit to determine its conformance with the provisions. of this ordinance. Within 30 days after receiving an application, the City of Joliet shall in writing:

(a) Approve the permit application if it is found to be in conformance with the provisions of this ordinance and issue the permit;

(b) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance and issue the permit subject to these conditions; or

(c) Disapprove the permit application indicating the deficiencies and the procedure for submitting a revised application and/or submission.

(2) No site development permit shall be issued unless the applicant is notified of his responsibility to obtain all relevant federal and state permits (i.e. for floodplains and wetlands).

(3) Failure of the City of Joliet to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the City of Joliet and the applicant. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the City of Joliet.

Ordinance No. 10323, Section 3, adopted December 8, 1993.

(g) ***Expiration of permit***

Every site development permit shall expire and become null and void if the work authorized by such permit has not been commenced within two (2) years, or is not completed by a date which shall be specified in the permit; except that the City of Joliet may, if the permitted presents satisfactory evidence that unusual difficulties have prevented work being commenced or completed within the specified time limits, grant reasonable extension of time if written application is made before the expiration date of the permit. The City of Joliet may require modification of the erosion control plan to prevent any increase in erosion or offsite sediment runoff resulting from any extension.

Ordinance No. 10323, Section 3, adopted December 8, 1993.

(h) ***Stop Work Order***

In the event any person holding a site development permit pursuant to this ordinance violates the terms of the permit, or carries on site development in such a manner as to materially adversely affect the health, welfare or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood the City Manager may suspend or revoke the site development permit.

(1) Suspension of a permit shall be by written stop-work order issued by the City Manager and delivered to the permittee, its agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed.

(2) No site development permit shall be permanently suspended or revoked until a hearing is held by the City Manager. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state the grounds for the complaint or the reasons for suspension or revocation and the time when and place where such hearing will be held. Such notice shall be served on the permittee at least five (5) days prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence. At the conclusion of the hearing the City Manager shall determine whether the permit shall be suspended or revoked.

Ordinance No. 14204, Section 8, adopted March 4, 2003.

(i) ***Enforcement***

No person shall construct, alter, repair, or maintain any grading, excavation or fill, or cause the same to be done in violation of any of this ordinance. Any person violating this ordinance shall be guilty of an ordinance violation. Each day during which any violation of this ordinance is committed, continued or permittee shall constitute a separate offense. Upon conviction of any such violation, such person, partnership or corporation shall be punished by a fine of not more than Seven Hundred Fifty Dollars (\$750.00) for each offense. In addition to any other penalty authorized by this ordinance, any person convicted of violating this ordinance shall be required to restore the site to condition existing prior to commission of the violation and to bear the expense of such restoration.

Ordinance No. 14204, Section 9, adopted March 4, 2003.

Sec. 31-207. Design and operation standards and requirements

(a) ***Soil erosion and sediment controls***

Site design requirements for soil erosion and sediment controls: on-site sediment control measures as specified by the following criteria shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.

(1) For disturbed areas draining less than one acre, filter barriers (including filter fences, straw bales, or equivalent control measures) shall be constructed to control all offsite runoff as specified in referenced handbooks. Vegetated filter strips with a minimum width of 25 feet may be used as an alternative only where runoff in sheet flow is expected.

(2) For disturbed areas draining more than 1 but less than 5 acres, a sediment trap or equivalent control measure shall be constructed at the downslope point of the disturbed area.

(3) For disturbed areas draining more than 5 acres, a sediment basin or equivalent control measure shall be constructed at the downslope point of the disturbed area.

(4) Sediment basins and sediment trap designs shall meet the requirements of the "Illinois Urban Manual"(NRCS, IEPA, 1995).

(5) The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume of sediment generated in one year. For construction periods exceeding one year, the one-year sediment load and sediment removal schedule may be substituted.

Ordinance No. 10323, Section 4, adopted December 8, 1993, as amended by Ordinance No. 11301, Section 10, adopted December 3, 1996

(b) *Stormwater conveyance channels*

Stormwater conveyance channels including ditches, swales and diversions and the outlets of all channels and pipes shall be designed and constructed to withstand the expected flow velocity from the 10-year frequency storm without erosion. All constructed or modified channels shall be stabilized within 48 hours consistent with the following standards:

(1) For grades up to 4 percent, seeding in combination with mulch, erosion blanket or an equivalent control measure shall be applied. Sod or erosion blanket or mat shall be applied to the bottom of the channel.

(2) For grades of 4 to 8 percent, sod or an equivalent control measure shall be applied in the channel.

(3) For grades greater than 8 percent, rock, riprap or an equivalent measure shall be applied or the grade shall be effectively reduced using drop structures.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(c) *Disturbed areas*

Disturbed areas shall be stabilized with temporary or permanent measures within seven calendar days following the end of active disturbance or redisturbance consistent with the following criteria:

(1) Appropriate temporary or permanent stabilization measures shall include seeding, mulching, sodding and/or non-vegetative measures.

(2) Areas having slopes greater than 12 percent shall be stabilized with sod, mat or blanket in combination with seeding or equivalent.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(d) ***Land disturbance activities in stream channels***

Land disturbance activities in stream channels shall be avoided where possible. If disturbance activities are unavoidable, the following requirements shall be met:

(1) Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material such as riprap or gravel.

(2) The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel including bed and banks shall be restabilized within 48 hours after channel disturbance is completed interrupted or stopped.

(3) Whenever channel relocation is necessary, the new channel shall be constructed in the dry and fully stabilized area before flow is diverted.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(e) ***Protection of storm sewer inlets and culverts***

Storm sewer inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(f) ***Soil storage piles***

Soil storage piles containing more than 10 cubic yards of material shall not be located with a downslope drainage length of less than 25 feet to a roadway or drainage channel. Filter barriers including straw bales, filter fence or equivalent shall be installed immediately on the downslope side of the piles.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(g) ***Dewatering devices***

If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins or equivalent.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(h) ***Temporary Access Roads***

Each site shall have graveled (or equivalent) entrance roads, access drives and parking areas of sufficient length and width to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shovelling or street cleaning before the end of each workday and transported to a controlled sediment disposal area.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(i) ***Maintenance***

All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(j) ***Temporary Erosion Disposal***

All temporary erosion and be disposed of within 30 days after final site stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures should be permanently stabilized to prevent further erosion and sedimentation.

Ordinance No. 10323, Section 4, adopted December 8, 1993, as amended by Ordinance No. 11301, Section 11, adopted December 8, 1996.

(k) ***Handbook adopted by reference***

The standards and specifications contained in the "Illinois Urban Manual" published by the Natural Resources Conservation Service and the Illinois Environmental Protection Agency in 1995 and the "Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control" published in 1988 (the "Greenbook") are hereby incorporated by reference and made a part hereof by reference for the purpose of delineating procedures and methods of operation under site development and erosion and sedimentation control plans approved under Section 31-206. In the event of a conflict between provisions of said manuals and this section, this section shall govern.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(l) ***Maintenance of control measures***

All soil erosion and sediment control measures necessary to meet the requirements of this ordinance shall be maintained periodically by the applicant or subsequent land owner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(m) ***Inspection***

The City Of Joliet shall make periodic inspections and shall notify the permittee wherein the work fails to comply with the site development or erosion and sedimentation control plan as approved. The permittee shall request inspections two working days prior to the completion of the following items:

- (1) The completion of installation of sediment and runoff control measures(including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading;
- (2) After stripping and clearing;
- (3) After rough grading;
- (4) After final grading
- (5) After seeding and landscaping;
- (6) After final stabilization and landscaping, prior to removal of sediment controls.

If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the permittee shall give notice and request inspection at the completion of the above stages of work in each phase or area.

Ordinance No. 10323, Section 4, adopted December 8, 1993, as amended by Ordinance No. 11301, Section 12, adopted December 8, 1996.

(n) ***Special precautions***

If at any stage of the grading of any development site, the City of Joliet determines by inspection that the nature of the site is such that further work authorized by an existing permit is likely to imperil any property, public way, stream, lake, wetland or drainage structure, the City of Joliet may require as a condition of allowing the work to be done that such reasonable special precautions to be taken as in considered advisable to avoid the likelihood of such peril.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(o) ***Stop Work Order***

Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the permittee required to install temporary structures or take such other measures as may be required to protect adjoining property or the public safety.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

(p) ***Amendment of plans:***

Major amendments of the site development or erosion and sedimentation control plans shall be submitted to the City of Joliet and shall be processed and approved or disapproved in the same manner as the original plans. Field modifications of a minor nature may be authorized by the City of Joliet.

Ordinance No. 10323, Section 4, adopted December 8, 1993.

FLOODPLAIN MANAGEMENT REGULATIONS

8-500	Short Title
8-501	Purpose
8-502	Definitions
8-503	How to Use this Ordinance
8-504	Duties of the Enforcement Official
8-505	Base Flood Elevation
8-506	Occupation and Use of Flood Fringe Areas
8-507	Occupation and Use of Identified Floodways
8-508	Occupation and Use of Special Flood Hazard Areas Where Floodways are Not Identified
8-509	Permitting Requirements Applicable to All Flood Plain Areas and Protection of Buildings
8-510	Other Development Requirements

8-511	Variances
8-512	Disclaimer of Liability
8-513	Enforcement and Penalties

Section 8-500: Short Title.

This Ordinance shall be known, and may be cited, as the “*Joliet Special Flood Hazard Areas Development Ordinance*”.

Ordinance No. 14207, Section 1, adopted March 4, 2003.

Section 8-501: Purpose.

This Ordinance is enacted pursuant to the powers granted to the City by Sections 1-2-1, 11-12-12, 11-30-8, and 11-30-2 of the *Illinois Municipal Code* (65 ILCS 1-1 et seq.) and pursuant to the home rule powers vested in the City of Joliet by the Constitution of the State of Illinois. The purpose of this Ordinance is to maintain the City’s eligibility in the *National Flood Insurance Program*; to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for the wise utilization of water and related land resources. This Ordinance is adopted in order to accomplish the following specific purposes.

- a. To meet the requirements of the Rivers, Lakes and Streams Act (615 ILCS 5/18g);
- b. To assure that new development does not increase the flood or drainage hazards to others, or creating unstable conditions susceptible to erosion;
- c. To protect new buildings and major improvements to buildings from flood damage;
- d. To protect human life and health from the hazards of flooding;
- e. To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- f. To make federally subsidized flood insurance available for property in the City by fulfilling the requirements of the National Flood Insurance Program; and
- g. To comply with the rules and regulations of the *National Flood Insurance Program*, codified as 44 CFR 59-79, as amended.
- h. To protect, conserve and promote the orderly development of land and water resources; and

i. To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

Section 8-502: Definitions.

For the purposes of this Ordinance, the following definitions are adopted:

- a. “Act” shall mean the *Rivers, Lakes and Streams Act* (615 ILCS 5/5 et seq.),
- b. “Applicant” shall mean any person, firm, corporation or agency which submits an application.
- c. “Appropriate Use” shall mean only uses of the regulatory floodway that are permissible and will be considered for permit issuance. The only uses that will be allowed are as specified in Section 8-507 of this Ordinance.
- d. “Base Flood” shall mean the flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood event. Application of the base flood elevation at any location is as defined in Section 8-505 of this Ordinance.
- e. “Building” shall mean a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, mobile home or a prefabricated building. This term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days.
- f. “Channel” shall mean any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or man-made drainageway, which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.
- g. “Channel Modification” shall mean alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping or other armoring, widening, deepening, straightening, relocating, lining and significant removal of bottom or woody vegetation. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel. Channelization is a severe form of channel modification typically involving relocation of the existing channel (e.g. straightening).
- h. “Compensatory Storage” An artificially excavated, hydraulically equivalent volume of storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the flood plain. The uncompensated loss of natural flood plain storage can increase off-site floodwater elevations and flows.

i. “*Conditional Approval of a Regulatory Floodway Map Change*” shall mean Preconstruction approval by DNR and the Federal Emergency Management Agency (FEMA) of a proposed change to the floodway map. This preconstruction approval, pursuant to this Part, gives assurances to the property owner that once an Appropriate Use is constructed according to permitted plans, the floodway map can be changed, as previously agreed, upon review and acceptance of as-built plans.

j. “*Conditional Letter of Map Revision (CLOMR)*” shall mean a letter which indicates that the FEMA will revise base flood elevations, flood insurance rate zones, flood boundaries or floodway as shown on an effective Flood Hazard Boundary Map or Flood Insurance Rate Map, once the as-built plans are submitted and approved.

k. “*Control Structure*” shall mean a structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

l. “*Dam*” shall mean all obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Underground water storage tanks are not included.

m. “*Development*” shall mean any man-made change to real estate, including:

- (i) Construction, reconstruction, repair, or placement of a building or any addition to a building.
- (ii) Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days.
- (iii) Drilling, mining, installing utilities, construction of roads, bridges, or a similar projects.
- (iv) Demolition of a structure or redevelopment of a site.
- (v) Clearing of land as an adjunct of construction.
- (vi) Construction or erection of levees, walls, fences, dams, or culverts; channel modification; filling, dredging, grading, excavating, paving, or other non-agricultural alterations of the ground surface; storage of materials; deposit of solid or liquid waste.
- (vii) Any other activity of man that might change the direction, height, or velocity of flood or surface water, including extensive vegetation removal.

Development does not include maintenance of existing buildings and facilities such as re-roofing or re-surfacing of roads when there is no increase in elevation, or gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction of levees.

n. “*DNR*” shall mean the Illinois Department of Natural Resources.

o. “*Elevation Certificates*” shall mean a form published by FEMA that is used to certify the elevation to which a building has been elevated.

p. “*Erosion*” shall mean the general process whereby soils are moved by flowing water or wave action.

q. “*Exempt Organizations*” shall mean organizations which are exempt from this ordinance pursuant to law, including state, federal and units of local government.

r. “*FEMA*” shall mean the Federal Emergency Management Agency and its regulations at 44 CFR 59-79 effective as of March 17, 2003.

s. “*Flood*” shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves or the unusual and rapid accumulation or runoff of surface waters from any source.

t. “*Flood Frequency*” shall mean a period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

u. “*Flood Fringe*” shall mean that portion of the flood plain outside of the regulatory floodway.

v. “*Flood Insurance Rate Maps (FIRM)*” shall mean a map prepared by the Federal Emergency Management Agency that depicts the special flood hazard area (SFHA) within a community. This map includes insurance rate zones and flood plains and may or may not depict floodways.

w. “*Flood Plain*” shall mean that land typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Flood plains may also include detached Special Flood Hazard Areas, ponding areas, etc. The flood plain is also known as the Special Flood Hazard Area (SFHA). The flood plains are those lands within the jurisdiction of the City that are subject to inundation by the base flood or 100-year frequency flood. The SFHA’s of the City are generally identified as such on the Flood Insurance Rate Map of Will County prepared by the Federal Emergency Management Agency (or the U.S. Department of Housing and Urban Development) and dated March 17, 2003. The SFHA’s of those parts of unincorporated territory that are within the extraterritorial jurisdiction of the City or that may be annexed into the City are generally identified as such on the Flood Insurance Rate Map prepared for Will County \by FEMA and dated March 17, 2003.

x. “*Floodproofing*” shall mean any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

y. “*Floodproofing Certificate*” shall mean a form published by FEMA that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

z. “*Flood Protection Elevation (FPE)*” shall mean the elevation of the base flood 100-year frequency flood plus one foot of freeboard at any given location in the SFHA.

aa. “*Freeboard*” shall mean an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

bb. “*Hydrologic and Hydraulic Calculations*” shall mean engineering analysis which determine expected flood flows and flood elevations based on land characteristics and rainfall events.

cc. “*Letter of Map Amendment (LOMA)*” shall mean official determination by FEMA that a specific structure is not in a 100-year flood zone; amends the effective Flood Hazard Boundary Map or FIRM.

d. “*Letter of Map Revision (LOMR)*” shall mean a letter that revises base flood or 100-year frequency flood elevations, flood insurance rate zones, flood boundaries or floodways as shown on an effective FHBM or FIRM.

ee. “*Manufactured Home*” shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when connected to the required utilities. The term manufactured homes also includes park trailers, travel trailers and other similar vehicles placed on site for more than 180 consecutive days.

ff. “*Manufactured Home Park or Subdivision*” shall mean a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

gg. “*Mitigation*” shall mean those measures necessary to minimize the negative effects which flood plain development activities might have on the public health, safety and welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration.

hh. “*NGVD*” shall mean the National Geodetic Vertical Datum of 1929. Reference surface set by the National Geodetic Survey deduced from a continental adjustment of all existing adjustments in 1929.

ii. “*Natural*” shall mean, when used in reference to channels, those channels formed by the existing surface topography of the earth prior to changes made by man. A natural stream tends to follow a meandering path; its flood plain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no substantial alteration of the course or cross-section of the stream caused by filling or excavating. A modified channel may regain some natural characteristics over time as the channel meanders and vegetation is reestablished. Similarly, a modified channel may be restored to more natural conditions by man through regrading and revegetation.

jj. “*Ordinary High Water Mark (OHWM)*” shall mean the point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

kk. “*Public Flood Control Project*” shall mean a flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

ll. “*Publicly Navigable Waters*” shall mean all streams and lakes capable of being navigated by watercraft.

mm. “*Professional Land Surveyor*” shall mean a land surveyor registered in the State of Illinois under the *Illinois Professional Land Surveyor Act of 1989* (225 ILCS 330/1 et seq.).

nn. “*Professional Engineer*” shall mean an engineer licensed under the laws of the State of Illinois to practice professional engineering as set forth in the *Professional Engineering Practice Act of 1989* (225 ILCS, 325/1 et seq.).

oo. “*Regulatory Floodway*” shall mean the channel, including onstream lakes, and that portion of the flood plain adjacent to a stream or watercourse as designated by DNR, which is needed to store and convey the existing and anticipated future 100-year frequency flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a 10% increase in velocities. The regulatory floodways are designated on the Will County FIRM prepared by FEMA and dated March 17, 2003. The regulatory floodways for those parts of unincorporated territory that are within the extraterritorial jurisdiction of the City that may be annexed into the City which are designated for on the Will County FIRM prepared by and dated March 17, 2003. The rivers included, but not limited to, are: DuPage River, Rock Run Creek, Rock Run Slough, Rock Run Tributaries 1, 2 and 3, Sunnyland Drain, Sunnyland Drain Tributary, Caton Creek, Lily Cache Creek, DesPlaines River, Hickory Creek, Spring Creek, Illinois & Michigan Canal, and Thorne Creek. To locate the regulatory floodway boundary on any site, the regulatory floodway boundary should be scaled off the regulatory floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the regulatory floodway boundary, DNR should be contacted for the interpretation.

pp. “*Repair, Remodeling or Maintenance*” shall mean development activities which do not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure.

qq. “*Retention/Detention Facility*” A retention facility stores stormwater runoff without a gravity release. A detention facility provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

rr. “*Riverine SFHA*” shall mean any SFHA subject to flooding from a river, creek, intermittent stream, ditch, on stream lake system or any other identified channel. This term does not include areas subject to flooding from lakes, ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

ss. “*Runoff*” shall mean the water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground or collected in channels or conduits.

tt. “*Sedimentation*” shall mean the processes that deposit soils, debris, and other materials either on other ground surfaces or in bodies of water or watercourses.

uu. “*Special Flood Hazard Area (SFHA)*” shall mean any base flood area subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel or ponding and shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, AO, A1-30, AE, A99, AH, VO, V30, VE, V, M or E.

vv. “*Structure*” shall mean the results of a man-made change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a manufactured home on a site; preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days.

ww. “*Substantial Improvement*” shall mean any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition “Substantial Improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences,

whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

xx. “*Transition Section*” shall mean the reaches of the stream or floodway where water flows from a narrow cross-section to a wide cross-section or vice versa.

yy. “*City Manager*” shall mean the City Manager of the City of Joliet or another City official designated by the City Manager as the official responsible for administering this Ordinance.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended by ordinance No. 10912, Section 1, adopted September 19, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

Section 8-503: How to Use This Ordinance.

The City Manager shall be responsible for fulfilling all of the duties listed in Section 8-504.

To fulfill those duties, the City Manager first should use the criteria listed in Section 8-505, *Base Flood Elevations*, to determine whether the development site is located within a flood plain. Once it has been determined that a site is located within a flood plain, the City Manager must determine whether the development site is within a flood fringe, a regulatory floodway, or within a SFHA or flood plain on which no floodway has been identified. If the site is within a flood fringe, the City Manager shall require that the minimum requirements of Section 8-506 be met. If the site is within the floodway, the City Manager shall require that the minimum requirements of Section 8-507 be met. If the site is located within a SFHA or floodplain for which no detailed study has been completed and approved, the City Manager shall require that the minimum requirements of Section 8-508 be met.

In addition, the general requirements of Section 8-509 shall be met for all developments meeting the requirements of Section 8-506, 8-507 or 8-509. The City Manager shall assure that all subdivision proposals shall meet the requirements of Section 8-510.

If a variance is to be granted for a proposal, the City Manager shall review the requirements of Section 8-511 to make sure they are met. In addition, the City Manager shall complete all notification requirements.

In order to assure that property owners obtain permits as required in this Ordinance, the City Manager may take any and all actions as outline in Section 8-513.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

Section 8-504: Duties of the Enforcement Official(s).

The City Manager shall be responsible for the general administration and enforcement of this Ordinance which shall include the following:

a. *Determining the Flood Plain Designation.* Check all new development sites to determine whether they are in a Special Flood Hazard Area (SFHA). If they are in a SFHA, determine whether they are in a floodway, flood fringe or in a flood plain on which a detailed study has not been conducted which drains more than one (1) square mile.

b. *Professional Engineer Review.* If the development site is within a floodway or in a flood plain on which a detailed study has not been conducted which drains more than one (1) square mile then the permit shall be referred to a registered professional engineer (P.E.) under the employ or contract of the City for review to ensure that the development meets the requirements of Section 8-507. In the case of an Appropriate Use, the P.E. shall state in writing that the development meets the requirements of Section 8-507.

c. *Dam Safety Requirements.* Ensure that a DNR Dam Safety Permit has been issued or a letter indicating no Dam Safety Permit is required, if the proposed development activity includes construction of a dam as defined in Section 8-502. Regulated dams may include weirs, restrictive culverts or impoundment structures.

d. *Other Permit Requirements.* Ensure that any and all required federal, state and local permits are received prior to the issuance of a flood plain development permit.

e. *Plan Review and Permit Issuance.* Ensure that all development activities within the SFHAs of the jurisdiction of the City meet the requirements of this Ordinance and issue a flood plain development permit in accordance with the provisions of this Ordinance and other regulations of the City when the development meets the conditions of this Ordinance.

f. *Inspection Review.* Inspect all development projects before, during and after construction to assure proper elevation of the structure and to ensure they comply with the provisions of this Ordinance.

g. *Elevation and Floodproofing Certificates.* Maintain in the permit files an Elevation Certificate certifying the elevation of the lowest floor (including basement) of a residential or non-residential building or the elevation to which a non-residential building has been floodproofed, using a Floodproofing Certificate, for all buildings subject to Section 8-509 of this Ordinance for public inspection and provide copies of same;

h. *Records for Public Inspection.* Maintain for public inspection and furnish upon request base flood data, SFHA and regulatory floodway maps, copies of federal or state permit documents, variance documentation, Conditional Letter of Map Revision, Letter of Map Revision, Letter of Map Amendment and “as built” elevation and floodproofing or elevation and floodproofing certificates for all buildings constructed subject to this Ordinance.

i. *State Permits.* Ensure that construction authorization has been granted by DNR, for all development projects subject to Section 8-507 and 8-508 of this Ordinance, unless enforcement responsibility has been delegated to the City. Upon acceptance of this Ordinance by DNR and FEMA, the City shall be deemed to accept the delegation of responsibility and authority pursuant to 17 IL Adm. Code 3708.90 pertaining to construction in the regulatory floodway and flood plain when floodways have not been defined in Sections 8-507 and 8-508 of this Ordinance. However, the following review approvals are not delegated to the City and shall require review or permits from DNR:

- (i) Organizations which are exempt from this Ordinance under State or Federal law.
- (ii) DNR projects, dams or impoundment structures as defined in Section 8-502 and all other state, federal or local unit of government projects, including projects of the City and County, except for those projects meeting the requirements of Sec. 8-507.
- (iii) An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, per Section 8-507e.
- (iv) An engineer's analysis of the flood profile due to Section 8-507e
- (v) Alternative transition sections and hydraulically equivalent compensatory storage as indicated in Section 8-507e.(i, ii, viii).
- (vi) Permit issuance of structures within or over publicly navigable rivers, lakes and streams;
- (vii) Any changes in the Base Flood Elevation or floodway locations; and,
- (viii) Base Flood Elevation determinations where none now exist.

j. *Cooperation with Other Agencies.* Cooperate with state and federal flood plain management agencies to improve base flood or 100-year frequency flood and floodway data and to improve the administration of this Ordinance. Submit data to DNR and FEMA for proposed revisions of a regulatory map. Submit reports as required for the National Flood Insurance Program. Notify FEMA of any proposed amendments to this Ordinance.

k. *Promulgate Regulations.* Promulgate rules and regulations as necessary to administer and enforce the provisions of this Ordinance, subject however to the review and approval of DNR and FEMA for any Ordinance changes.

Section 8-505: Base Flood Elevation.

This Ordinance's protection standard is based on the Flood Insurance Study for Will County. If a base flood elevation or 100-year frequency flood elevation is not available for a particular site, then the protection standard shall be according to the best existing data available in the Illinois State Water Surveys Flood Plain Information Repository. When a party disagrees with the best available data, that party may finance the detailed engineering study needed to replace existing data with better data and submit it to DNR and FEMA.

a. The base flood or 100-year frequency flood elevation for the SFHAs of all rivers and creeks shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Will County prepared by FEMA dated March 17, 2003 and such other amendments or revisions to such study and maps as may be prepared from time to time. The rivers included but not limited to are: DuPage River, Rock Run Creek, Rock Run Slough, Rock Run Tributaries 1, 2 and 3, Sunnyland Drain, Sunnyland Drain Tributary, Caton Creek, Lily Cache Creek, DesPlaines River, Hickory Creek, Spring Creek, Illinois & Michigan Canal, and Thorne Creek.

b. The base flood or 100-year frequency flood elevation for the SFHAs of those parts of unincorporated Will County that are within the extraterritorial jurisdiction of the City or that may be annexed into the City shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Will County prepared by FEMA and dated March 17, 2003 and such amendments or revisions to such study and maps as may be prepared from time to time.

c. The base flood or 100-year frequency flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the City.

d. The base flood or 100-year frequency flood elevation for each of the remaining SFHAs delineated as an "A Zone" on the Flood Insurance Rate Map of Will County shall be according to the best existing data available in the Illinois State Water Survey Flood Plain Information Repository. When no base flood or 100-year frequency flood elevation exists, the base flood or 100-year frequency flood elevation for a riverine SFHA shall be determined from a backwater model, such as HEC-II, WSP-2, or a dynamic model such as HIP. The flood flows used in the hydraulic models shall be obtained from a hydrologic model, such as HEC-I TR-20, or HIP, or by techniques presented in various publications prepared by the United States Geological Survey for estimating peak flood discharges. Flood flows should be based on anticipated future land use conditions in the water shed as determined from adopted local and regional land use plans. Along any watercourses draining more than one (1) square mile, the above analysis shall be submitted to DNR for approval, once approved it must be submitted to the Illinois State Water Survey Floodplain Information Repository for filing. For a non-riverine SFHA, the Base Flood Elevation shall be the historic Flood of Record plus three feet, unless calculated by a detailed engineering study and approved by the Illinois State Water Survey.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended by ordinance No. 10912, Section 1, adopted September 19, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

Section 8-506: Occupation and Use of Flood Fringe Areas.

Development in and/or filling of the flood fringe will be permitted if protection is provided against the base flood or 100-year frequency flood by proper elevation, and compensatory storage and other provisions of this Ordinance are met. No use will be permitted which adversely affects the capacity of drainage facilities or systems. Developments located within the flood fringe shall meet the requirements of this section, along with the requirements of Section 8-509.

a. *Development Permit.* No person, firm, corporation, or governmental body not exempted under Illinois law shall commence any development in the SFHA without first obtaining a development permit from the City Manager.

b. *Permit Application* Application for a development permit shall be made on a form provided by the City Manager. The application shall be accompanied by drawings of the site, drawn to scale, showing property line dimensions and legal description for the property and sealed by a licensed engineer, architect or land surveyor; existing grade elevations in M.S.L., 1929 adj. datum or N.G.V.D. and all changes in grade resulting from excavation or filling; the location and dimensions of all buildings and additions to buildings. For all proposed buildings, the elevation of the lowest floor (including basement) and lowest adjacent grade shall be shown on the submitted plans and the development will be subject to the requirements of Section 8-509 of this Ordinance.

c. *Application- Review* Upon receipt of a development permit application, the City Manager shall compare the elevation of the site to the base flood or 100-year frequency flood elevation. Any development located on land that can be shown to have been higher than the base flood elevation as of the sites first Flood Insurance Rate Map identification is not in the SFHA and, therefore, not subject to the requirements of this Ordinance. The Building Official shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

d. *Reserved*

e. *Submittal of Other Permits* The applicant shall submit to the City Manager copies of all other local, state and federal permits, approvals or permit-not-required letters that may be required for this type of activity. The City Manager shall not issue a permit unless all other local, state and federal permits have been obtained.

f. *Preventing Increased Damages* No development in the flood fringe shall create a threat to public health and safety.

g. *Filling* If fill is being used to elevate the site above the base flood or 100-year frequency flood elevation, the applicant shall submit sufficient data and obtain a letter of map revision (LOMR) from FEMA for the purpose of removing the site from the flood plain.

h. *Compensatory Storage* Whenever any portion of a flood plain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation. The excavation volume shall be at least equal to the volume of storage lost due to the fill or structure. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. All flood plain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All flood plain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

Section 8-507. Occupation and Use of Identified Floodways.

This section applies to proposed development, redevelopment, site modification or building modification within a regulatory floodway. The regulatory floodway for all rivers, creeks and streams shall be as delineated on the regulatory floodway maps designated by DNR according and references in Section 8-502oo. Only those uses and structures will be permitted which meet the criteria in this section. All floodway modifications shall be the minimum necessary to accomplish the purpose of the project. The development shall also meet the requirements of Section 8-509.

a. *Development Permit* No person, firm, corporation or governmental body not exempted by state law shall commence any development in a floodway without first obtaining a development permit from the City Manager.

b. *Permit Application* Application for a development permit shall be made on a form provided by the City Manager. The application shall include the following information:

- (i) Name and address of applicant;
- (ii) Site location (including legal description) of the property, drawn to scale, on the regulatory floodway map, indicating whether it is proposed to be in an incorporated or unincorporated area;
- (iii) Name of stream or body of water affected;
- (iv) Description of proposed activity;
- (v) Statement of purpose of proposed activity;
- (vi) Anticipated dates of initiation and completion of activity;
- (vii) Name and mailing address of the owner of the subject property if different from the applicant;
- (viii) Signature of applicant or the applicant's agent;
- (ix) If the applicant is a corporation, the president or other authorized officer shall sign the application form;
- (x) If the applicant is a partnership, each partner shall sign the application form; and

- (xi) If the applicant is a land trust, the trust officer shall sign the name of the trustee by him (her) as trust officer. A disclosure affidavit shall be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interests therein.

- (xii) Plans of the proposed activity shall be provided which include as a minimum:
 - (a) A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;

 - (b) A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations in mean sea level (1929 adjustment) datum or N.G.V.D., adjacent property lines and ownership, drainage and flood control easements, location of any channels and any existing or future access roads, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), regulatory floodway limit, flood plain limit, specifications and dimensions of any proposed channel modifications, location and orientation of cross-sections, north arrow, and a graphic or numerical scale;

 - (c) Cross-section view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, 100-year frequency flood elevation, and graphic or numerical scales (horizontal and vertical);

 - (d) *Reserved*

 - (e) A copy of the regulatory floodway map, marked to reflect any proposed change in the regulator floodway location.

- (xiii) Any and all other local, state and federal permits or approval letters that may be required for this type of development.

- (xiv) Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the permit criteria of Section 8-507 d.

- (xv) If the regulatory floodway delineation, base flood or 100-year frequency flood elevation will change due to the proposed project, the application will not be considered complete until DNR has indicated conditional approval of the regulatory floodway map change. No structures may be built until a Letter of Map Revision has been approved by FEMA.

(xvi) The application for a structure shall be accompanied by drawings of the site, drawn to scale showing property line dimensions and existing ground elevations and all changes in grade resulting from any proposed excavation or filling, and flood plain and floodway limits; sealed by a registered professional engineer, licensed architect or registered land surveyor; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 8-509 of this Ordinance.

(xvii) *Reserved*

c. *Submittal of Other Permits* The applicant shall obtain and submit to the City Manager copies of all other local, state, and federal permit and approvals that may be required for this type of activity. The City Manager shall not issue the development permit unless all required federal and state permits have been obtained. A Registered Professional Engineer, under the employ or contract of the City shall review and approve applications reviewed under this Section.

d. *Preventing Increased Damages and a List of Appropriate Uses.*
The only development in a floodway which will be allowed are Appropriate Uses, which will not cause a rise in the base flood elevation, and which will not create a damaging or potentially damaging increase in flood heights or velocity or be a threat to public health and safety and welfare or impair the natural hydrologic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. Construction methods shall be minimized by appropriate mitigation methods as called for in this Ordinance. Only those Appropriate Uses listed in 17 IL Adm. Code 3708 will be allowed. Appropriate uses do not include the construction or placement of any new structures, fill, building additions, buildings on stilts, excavation or channel modifications done to accommodate otherwise non-appropriate uses in the floodway, fencing (including landscaping or planting designed to act as a fence) and storage of materials except as specifically defined above as an Appropriate Use. The approved Appropriate Uses are as follows:

- (i) Flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding, erosion, or water quality or habitat for fish and wildlife.
- (ii) Structures or facilities relating to the use of, or requiring access to, the water or shoreline, such as pumping and treatment facilities, and facilities and improvements related to recreational boating, commercial shipping and other functionally water dependent uses;
- (iii) Storm and sanitary sewer outfalls;
- (iv) Underground and overhead utilities;
- (v) Recreational facilities such as playing fields and trail systems including any related fencing (at least 50% open when viewed from any one direction) built parallel to

the direction of flood flows, and including open air pavilions and toilet facilities (4 stall maximum) that will not block flood flows nor reduce floodway storage;

- (vi) Detached garages, storage sheds, or other non-habitable accessory structures without toilet facilities to existing buildings that will not block flood flows, nor reduce floodway storage;
- (vii) Bridges, culverts, roadways, sidewalks, railways, runways and taxiways and any modification thereto;
- (viii) Parking lots and aircraft parking aprons built at or below existing grade where either:
 - (a) the depth of flooding at the 100-year frequency flood event will not exceed one foot; or
 - (b) the applicant of a short-term recreational use facility parking lot, formally agrees to restrict access during overbank flooding events and accepts liability for all damage caused by vehicular access during all overbank flooding events;
- (ix) Regulatory floodway regrading, without fill, to create a positive non-erosive slope toward a watercourse.
- (x) Floodproofing activities to protect previously existing lawful structures including the construction of water tight window wells, elevating structures, or construction of floodwalls around residential, commercial or industrial principal structures where the outside toe of the floodwall shall be no more than ten (10) feet away from the exterior wall of the existing structure, and, which are not considered substantial improvements to the structure.
- (xi) In the case of damaged or replacement buildings, reconstruction or repairs made to a building that are valued at less than 50% of the market value of the building before it was damaged or replaced, and which do not increase the outside dimensions of the building.
- (xii) Additions to existing buildings above the BFE that do not increase the building's foot print and are valued at less than 50% of the market value of the building.

e. *Regulatory Floodway Uses* Within the regulatory floodway as identified on the regulatory floodway maps designated by DNR, the construction of an Appropriate Use will be considered permissible provided that the proposed project meets the following engineering and mitigation criteria and is

so stated in writing with supporting plans, calculations and data by a registered professional engineer and provided that any structure meets the protection requirements of Section 8-509 of this Ordinance.

(i) *Preservation of Flood Conveyance, so as not to Increase Flood Stages Upstream.*

For appropriate uses other than bridge or culvert crossings, on-stream structures or dams, all effective regulatory floodway conveyance lost due to the project will be replaced for all flood events up to and including the 100-year frequency flood. In calculating effective regulatory floodway conveyance, the following factors shall be taken into consideration:

(a) *Regulatory floodway conveyance,*

$$\mathbf{K, \text{ where } K = (1.486/n) \times AR^{2/3}}$$

where “n” is Manning’s roughness factor, “A” is the effective area of the cross-section, and “R” is the ratio of the area to the wetted perimeter. (See, *Open Channel Hydraulics*, Ven Te Chow, 1959, McGraw-Hill Book Company, New York)

(b) The same Manning’s “n” value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a federal, state, or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a non-vegetative land cover.

(c) Transition sections shall be provided and used in calculations of effective regulatory floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant’s engineer can prove to DNR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:

(1) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream’s length.

(2) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream’s length.

(3) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.

- (4) Transition sections shall be provided between cross-sections with rapid expansions and contractions and when meeting the regulatory floodway delineation on adjacent properties.
 - (5) All cross-sections used in the calculations shall be located perpendicular to flood flows.
- (ii) *Preservation of Floodway Storage so as Not to Increase Downstream Flooding*
Compensatory storage shall be provided for any regulatory floodway storage lost due to the proposed work from the volume of fill or structures placed and the impact of any related flood control projects. Compensatory storage for fill or structures shall be equal to the volume of flood plain storage lost. Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced. The compensatory regulatory floodway storage shall be placed between the proposed normal water elevation and the proposed 100-year flood elevation. All regulatory floodway storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All regulatory floodway storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse. If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer shall demonstrate to DNR through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent.
- (iii) *Preservation of Floodway Velocities so as Not to Increase Stream Erosion or Flood Heights.* For all Appropriate Uses, except bridges or culverts or on stream structures, the proposed work will not result in an increase in the average channel or regulatory floodway velocities. However, in the case of bridges or culverts or on stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of rip-rap or other design measures.
- (iv) *Construction of New Bridges or Culvert Crossings and Roadway Approaches.*
The proposed structure shall not result in an increase of upstream flood stages greater than 0.1 foot when compared to the existing conditions for all flood events up to and including the 100-year frequency event; or the upstream flood stage increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements. If the proposed construction will increase upstream flood stages greater than 0.1 feet, the developer must contact DNR, Dam Safety Section for a Dam Safety permit or waiver.
- (a) The engineering analysis of upstream flood stages must be calculated using the flood study flows, and corresponding flood elevations for tailwater conditions for the flood study specified in Section 8-505 of this Ordinance.

Culverts must be analyzed using the U.S. DOT, FHWA Hydraulic Chart for the Selection of Highway Culverts. Bridges must be analyzed using the U.S. DOT/Federal Highway Administration Hydraulics of Bridge Waterways calculation procedures.

- (b) Lots floodway storage must be compensated for per Section 8-507 e(ii).
 - (c) Velocity increases must be mitigated per Section 8-507 e(iii)
 - (d) If the crossing is proposed over a public water that is used for recreational or commercial navigation, a DNR permit must be received.
 - (e) The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile must be submitted to DNR for concurrence that a CLOMR is not required by Section 8-507d.
 - (f) All excavations for the construction of the crossing shall be designed per Section 8-507 e(viii).
- (v) *Reconstruction or Modification of Existing Bridges, Culverts, and Approach Roads*
- (a) The bridge or culvert and roadway approach reconstruction or modification shall be constructed with no more than 0.1 foot increase in backwater over the existing flood profile for all flood frequencies up to and including the 100-year event, if the existing structure is not a source of flood damage.
 - (b) If the existing bridge or culvert and roadway approach is a source of flood damage to buildings or structures in the upstream flood plain, the applicant's engineer shall evaluate the feasibility of redesigning the structure to reduce the existing backwater, taking into consideration the effects on flood stages on upstream and downstream properties.
 - (c) The determination as to whether or not the existing crossing is a source of flood damage and should be redesigned must be prepared in accordance with the Department of Transportation Rules 17 IL. Adm. Code 3708 (Floodway Construction in Northeastern Illinois) and submitted to the Division for review and concurrence before a permit is issued.

(vi) *On-Stream Structures Built for the Purpose of Backing Up Water*

Any increase in upstream flood stages greater than 0.0 foot when compared to the existing conditions, for all flood events up to and including the 100-year

frequency event shall be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within record flood easements. A permit or letter indicating a permit is not required must be obtained from DNR, Dam Safety Section for a Dam Safety permit or waiver for any structure built for the purpose of backing up water in the stream during normal or flood flow. All dams and impoundment structures as defined in Section 8-502.1 shall meet the permitting requirements of 17 IL Adm. Code 3702 (Construction and Maintenance of Dams). If the proposed activity involves a modification of the channel or floodway to accommodate an impoundment, it shall be demonstrated that:

- (a) The impoundment is determined to be in the public interest by providing flood control, public recreation, or regional stormwater detention;
 - (b) The impoundment will not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;
 - (c) The impoundment will not cause or contribute to degraded water quality or habitat conditions. Impoundment design should include gradual bank slopes, appropriate bank stabilization measures, and a pre-sedimentation basin.
 - (d) A non-point source control plan has been implemented in the upstream watershed to control the effects of sediment runoff as well as minimize the input of nutrients, oil and grease, metals and other pollutants. If there is more than one municipality in the upstream watershed, the municipality in which the impoundment is constructed should coordinate with upstream municipalities to ensure comprehensive watershed control;
 - (e) The project otherwise complies with the requirements of Section 8-507.
- (vii) *Flood Proofing of Existing Habitable, Residential and Commercial Structures* If construction is required beyond the outside dimensions of the existing building, the outside perimeter of the floodproofing construction shall be placed no further than 10 feet from the outside of the building. Compensation of lost storage and conveyance will not be required for floodproofing activities.
- (viii) *Excavation in the Floodway* When excavation is proposed in the design of bridges and culvert openings including the modifications to and replacement of existing bridge and culvert structures, or to compensate for lost conveyance for other Appropriate Uses, transition sections shall be provided for the excavation. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to DNR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:

- (a) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length;
- (b) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one feet of the flooded stream's length; and
- (c) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.
- (d) Erosion/scour protection shall be provided inland upstream and downstream of the transition sections.

(ix) *Channel Modification* If the proposed activity involves a channel modification, it shall be demonstrated that:

- (a) There is no practicable alternative to the activity which would accomplish its purpose with less impact to the natural conditions of the body of water affected. Possible alternatives include levees, bank stabilization, flood proofing of existing structures, removal of structures from the floodplain, clearing the channel, high flow channel, or the establishment of a stream side buffer strip or green belt. Channel modification is acceptable if the purposed is to restore natural conditions and improve water quality and fish and wildlife habitat;
- (b) Water quality, habitat, and other natural functions would be significantly improved by modification and not significant habitat area may be destroyed, or the impacts are offset by the replacement of an equivalent degree of natural resource values;
- (c) The activity has been planned and designed and will be constructed in a way which will minimized its adverse impacts on the natural conditions of the body of water affected, consistent with the following criteria:
 - (1) The physical characteristics of the modified channel shall match as closely as possible those of the existing channel in length, cross-section, slope and sinuosity. If the existing channel has been previously modified, restoration of more natural physical conditions should be incorporated into channel modification design, where practical.
 - (2) Hydraulically effective transitions shall be provided at both the upstream and downstream ends of the project, designed such that they will prevent erosion.
 - (3) One-sided construction of a channel shall be used when feasible. Removal of streamside (riparian) vegetation should be limited to

one side of the channel, where possible, to preserve the shading and stabilization effects of the vegetation.

- (4) Clearing of stabilizing vegetation shall be limited to that which is essential for construction of the channel.
 - (5) Channel banks shall be constructed with a side slope no steeper than 3:1 horizontal to vertical, wherever practicable. Native vegetation and gradual side slopes are the preferred methods for bank stabilization. Where high velocities or sharp bends necessitate the use of alternative stabilization measure, soil bioengineering techniques, natural rock or rip-rap are preferred approaches. Artificial materials such as concrete, gabions, or construction rubble should be avoided unless there are no practicable alternatives.
 - (6) All disturbed areas associated with the modification shall be seeded or otherwise stabilized as soon as possible upon completion of construction. Erosion blanket or an equivalent material shall be required to stabilize disturbed channel banks prior to the establishment of the vegetative cover.
 - (7) If the existing channel contains bottom diversity such as deep pools, riffles, or other similar features, such features shall be provided in the new channel. Spawning and nesting areas and flow characteristics compatible with fish habitat shall also be established, where appropriate.
 - (8) A sediment basin shall be installed at the downstream end of the modification to reduce sedimentation and degradation of the stream quality.
 - (9) New or relocated channels should be built in the dry and all items of construction including vegetation, should be completed prior to diversion of water into the new channel.
 - (10) There shall be no increase in stage or velocity as the channel enters or leaves the project site for any frequency flood unless necessitated by a public flood control project or unless the increase is justified as a part of a habitat improvement or erosion control project.
 - (11) Unless the modification is for a public flood control project, there shall be no reduction in the volume of floodwater storage outside the floodway as a result of the modification; and
 - (12) The project otherwise complies with the requirements of Section 8-507.
- (x) *Seeding and Stabilization Plan* For all activities located in a floodway, a seeding and stabilization plan shall be submitted by the applicant.

(xi) *Soil Erosion and Sedimentation Measures* For all activities in the floodway, including grading, filling and excavation, in which there is potential for erosion of exposed soil, soil erosion and sedimentation control measures shall be employed consistent with the following criteria:

- (a) The construction area shall be minimized to preserve the maximum vegetation possible. Construction shall be scheduled to minimize the time soil is exposed and unprotected. In no case shall the existing natural vegetation be destroyed, removed, or disturbed more than 15 days prior to the initiation of improvements.
- (b) Temporary and/or permanent soil stabilization shall be applied to denuded areas as soon as possible. As a minimum, soil stabilization shall be provided within 15 days after final grade is reached on any portion of the site, and with 15 days to denuded areas which may not be at final grade but will remain undisturbed for longer than 60 days.
- (c) Sedimentation control measures shall be installed before any significant grading or filling is initiated on the site to prevent the movement of eroded sediments off site or into the channel. Potential sediment control devices include filter fences, straw bale fences, check dams, diversion ditches, and sediment traps and basins.
- (d) A vegetated buffer strip of at least 25 feet in width shall be preserved and/or reestablished, where possible, along existing channels (See, Section 8-507e (xvi)). Construction vehicle use of channels shall be minimized. Temporary stream crossings shall be constructed, where necessary, to minimize erosion. Necessary construction in or along channels shall be restabilized immediately.
- (e) Soil erosion and sedimentation control measures shall be consistent with “*Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois*” (1988) also known as the “Green Book” and “*The Illinois Urban Manual*” (NRCS, IEPA, 1995).

(xii) *Public Flood Control Projects* For public flood control projects, the permitting requirements of this section will be considered met if the applicant can demonstrate to DNR through hydraulic and hydrologic calculations that the proposed project will not singularly or cumulatively result in increased flood heights outside the project right-of-way or easements for all flood events up to and including the 100-year frequency event.

(xiii) *General Criteria for Analysis of Flood Elevations*

- (a) The flood profiles, flows and floodway data in the regulatory floodway study, referenced in Section 8-505, must be used for analysis of the base conditions. If the study data appears to be in error or conditions have changed, DNR shall be contacted for approval and concurrence on the appropriate base conditions data to use.

- (b) If the 100-year regulatory floodway elevation at the site of the proposed construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed construction shall be shown to meet the requirements of this section for the 100-year frequency flood elevations of the regulatory floodway conditions and conditions with the receiving stream at normal water elevations.
- (c) If the applicant learns from DNR, local governments, or a private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified, or a regional flood control project is scheduled to be built, removed, constructed or modified within the next five years, the proposed construction shall be analyzed and shown to meet the requirements of this section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built.
- (xiv) *Conditional Letter of Map Revision* If the Appropriate Use would result in a change in the regulatory floodway location or the 100-year frequency flood elevation, the applicant shall submit to DNR and to FEMA all the information, calculations and documents necessary to be issued a conditional regulatory floodway map revision and receive from DNR a conditional approval of the regulatory floodway change before a permit is issued. However, the final regulatory floodway map will not be changed by FEMA until as-built plans or record drawings are submitted and accepted by FEMA and DNR. In the case of non-government projects, the municipality in incorporated areas and the county in unincorporated areas shall concur with the proposed conditional regulatory floodway map revision before DNR approval can be given. No filling, grading, dredging or excavating shall take place until a conditional approval is issued. No further development activities shall take place until a final Letter of Map Revision (LOMR) is issued by FEMA and DNR.
- (xv) *Professional Engineer's Supervision* All engineering analyses shall be performed by or under the supervision of a registered professional engineer.
- (xvi) *Construction Protection* For all activities in the floodway involving construction within 25 feet of the channel, the following criteria shall be met:
 - (a) A natural vegetation buffer strip shall be preserved within at least 25 feet of the ordinary high water mark of the channel.
 - (b) Where it is impossible to protect this buffer strip during construction of an appropriate use, a vegetated buffer strip shall be established upon completion of construction.
- (xvii) *Commencement of Construction* After receipt of conditional approval of the regulatory floodway change and issuance of a permit and a Conditional Letter of Map Revision, construction as necessary to change the regulatory floodway designation may proceed but no buildings or structures or other construction that is not an Appropriate Use may be placed in that area until the regulatory floodway

map is changed and a final Letter of Map Revision is received. The regulatory floodway map will be revised upon acceptance and concurrence by DNR and FEMA of the “as built” plans.

f. *Reserved*

g. *State Review* For those projects listed below located in a regulatory floodway, the following criteria shall be submitted to DNR for their review and concurrence prior to the issuance of a permit:

- (i) DNR will review an engineer’s analysis of the flood profile due to a proposed bridge pursuant to Section 8-507 e(iv).
- (ii) DNR will review an engineer’s determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, pursuant to Section 8-507 e(v).
- (iii) The DNR will review alternative transition sections and hydraulically equivalent storage pursuant to Section 8-507 e(i, ii and viii).
- (iv) The DNR will review and approve prior to the start of construction any Department projects, dams (as defined in Section 8-502(l) and all other state, federal or local units of government projects, including projects of the municipality or county.

h. *Other Permits* In addition to the other requirements of this Ordinance, a development permit for a site located in a floodway shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from DNR, issued pursuant to 615 ILCS 5/5 et seq. No permit from DNR shall be required if the Division has delegated this responsibility to the City.

i. *Dam Safety Permits* Any work involving the construction, modification or removal of a dam as defined in 17 IL Adm. Code 3702 (Construction and Maintenance of Dams) shall obtain a DNR Dam Safety permit prior to the start of construction of a dam. If the City Manager finds a dam that does not have a DNR permit and if the City Manager finds a dam is unsafe, the City Manager shall immediately notify the owner of the dam, DNR, Dam Safety Section of DNR in Bartlett and the Illinois Emergency Management Agency (IEMA).

j. *Activities That Do Not Require a Registered Professional Engineer’s Review*

The following activities may be permitted without a registered professional engineer’s review. Such activities shall still meet the other requirements of this Ordinance, including the mitigation requirements.

- (i) Underground and overhead utilities that:

- (a) Do not result in any increase in existing ground elevations, or
 - (b) Do not require the placement of above ground structures in the floodway, or
 - (c) In the case of underground stream crossings, the top of the pipe or encasement is buried a minimum of 3' below the existing stream bed, and
 - (d) In the case of overhead utilities, no supporting towers are placed in the watercourse and are designed in such a fashion as not to catch debris.
- (ii) Storm and sanitary sewer outfalls that:
- (a) Do not extend riverward or lakeward of the existing adjacent natural bank slope, and
 - (b) Do not result in an increase in ground elevation, and
 - (c) Are designed so as not to cause stream erosion at the outfall location.
- (iii) Construction of sidewalks, athletic fields (excluding fences), properly anchored playground equipment and patios at grade.
- (iv) Construction of shoreline and streambank protection that:
- (a) Does not exceed 1000 feet in length.
 - (b) Materials are not placed higher than the existing top of bank.
 - (c) Materials are placed so as not to reduce the cross-sectional area of the stream channel or bank of the lake.
 - (d) *Reserved*
- (v) Temporary stream crossings in which:
- (a) The approach roads will be 0.5' (1/2 foot) or less above natural grade.

- (b) The crossing will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall invert.
- (c) The top of the roadway fill in the channel will be at least 2' below the top of the lowest bank. Any fill in the channel shall be non-erosive material, such as rip-rap or gravel.
- (d) All disturbed stream banks will be seeded or otherwise stabilized as soon as possible upon installation and again upon removal of construction.
- (e) The access road and temporary crossings will be removed within one year after authorization.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

Section 8-508. Occupation and Use of SFHA Areas Where Floodways Are Not Identified.

In SFHA or flood plains, where no floodways have been identified and no base flood or 100-year frequency flood elevations have been established by FEMA, and draining more than a square mile, no development shall be permitted unless the cumulative effect of the proposals, when combined with all other existing and anticipated uses and structures, shall not significantly impede or increase the flow and passage of the floodwaters nor significantly increase the base flood or 100-year frequency flood elevation.

a. *Development Permit.* No person, firm, corporation or governmental body, not exempted by Illinois law, shall commence any development in a SFHA or flood plain without first obtaining a development permit from the City Manager. Application for a development permit shall be made on a form provided by the City Manager. The application shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; and existing grade elevations and all changes in grade resulting from excavation or filling, sealed by a licensed engineer, architect or surveyor; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 8-509 of this Ordinance. The application for a development permit shall also include the following information:

- (i) A detailed description of the proposed activity, its purpose, and intended use;
- (ii) Site location (including legal description) of the property, drawn to scale, on the regulatory floodway maps, indicating whether it is proposed to be in an incorporated or unincorporated area;
- (iii) Anticipated dates of initiation and completion of activity;
- (iv) Plans of the proposed activity shall be provided which include as a minimum:

- (a) A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;
- (b) A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations in mean seal level (1929 adjustment) datum or N.G.V.D., adjacent property lines and ownership, drainage and flood control easements, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), flood plain limit, location and orientation of cross-sections, north arrow, and a graphical or numerical scale;
- (c) Cross-section views of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, 100-year frequency flood elevation, and graphical or numerical scales (horizontal and vertical); and
- (d) *Reserved*
- (v) Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the criteria of Section 8-508d.
- (vi) Any and all other local, state and federal permits or approvals that may be required for this type of development.

b. *Application Review* Based on the best available existing data according to the Illinois State Water Survey's Flood Plain Information Repository, the City Manager shall compare the elevation of the site to the base flood or 100-year frequency flood elevation. Should no elevation information exist for the site, the developer's engineer shall calculate the elevation according to Section 8-505d. Any development located on land that can be shown to have been higher than the base flood elevation as of the sites first Flood Insurance Rate Map Identification is not in the SFHA and, therefore, not subject to the requirements of this Ordinance. The Building Official shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

c. *Other Permits* The applicant will be responsible for submitting copies of all other local, state, and federal permits, approvals or permit-not-required letters that may be required for this type of activity. The City Manager shall not issue the development permit unless all required local, state and federal permits have been obtained.

d. *Preventing Increased Damages* No development in the SFHA, where a floodway has not been determined shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health, safety and welfare or impair the natural hydrologic channel.

e. *Riverine SFHAs* Within all riverine SFHA's where the floodway has not been determined, the following standards shall apply:

- (i) The developer shall have a Registered Professional Engineer state in writing and show through supporting plans, calculations, and data that the project meets the engineering requirements of Section 8-507e(i-xii) for the entire flood plain as calculated under the provisions of Section 8-505d. of this Ordinance. As an alternative, the developer should have an engineering study performed to determine a floodway and submit that engineering study to DNR for acceptance as a regulatory floodway. Upon acceptance of their floodway by the Department, the developer shall then demonstrate that the project meets the requirements of Section 8-507 for the regulatory floodway. The floodway shall be defined according to the definition in Section 8-502oo. of this Ordinance.
- (ii) A development permit shall not be issued unless the applicant first obtains a permit from DNR or written documentation that a permit is not required from DNR.
- (iii) No permit from DNR shall be required if the Division has delegated permit responsibility to the City per 17 IL Adm. Code 3708 for regulatory floodways, per DNR Statewide Permit entitled "*Construction in Flood Plains with No Designated Floodways in Northeastern Illinois.*"
- (iv) *Dam Safety Permits.* Any work involving the construction, modification or removal of a dam or an on-stream structure to impound water as defined in Section 8-502 1. shall obtain an DNR Dam Safety permit or letter indicating a permit is not required prior to the start of construction of a dam. If the City Manager finds a dam that does not have a DNR permit, the City Manager shall immediately notify the Dam Safety Section of DNR. If the City Manager finds a dam which is believed to be in unsafe condition, the City Manager shall immediately notify the owner of the dam and the Illinois Emergency Management Agency (IEMA), and the DNR, Dam Safety Section in Bartlett.
- (v) The following activities may be permitted without a Registered Professional Engineer's review or calculation of a base flood elevation and regulatory floodway. Such activities shall still meet the other requirements of this Ordinance:
 - (a) Underground and overhead utilities that:
 - (i) Do not result in any increase in existing ground elevations, or
 - (ii) Do not require the placement of above ground structures in the floodway, or

- (iii) In the case of underground stream crossings, the top of the pipe or encasement is buried a minimum of 3' below the existing streambed, and
 - (iv) In the case of overhead utilities, no supporting towers are placed in the watercourse and are designed in such a fashion as not to catch debris.
- (b) Storm and sanitary sewer outfalls that:
 - (i) Do not extend riverward or lakeward of the existing adjacent natural bank slope, and
 - (ii) Do not result in an increase in ground elevation, and
 - (iii) Are designed so as not to cause stream bank erosion at the outfall location.
- (c) Construction of shoreline and streambed protection that:
 - (i) Does not exceed 1000 feet in length or 2 cubic yards per lineal foot of streambed.
 - (ii) Materials are not placed higher than the existing top of bank.
 - (iii) Materials are placed so as not to reduce the cross-sectional area of the stream channel by more than 10%.
 - (iv) *Reserved*
- (d) Temporary stream crossings in which:
 - (i) The approach roads will be 0.5' (1/2 foot) or less above natural grade.
 - (ii) The crossing will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall invert.

- (iii) The top of the roadway fill in the channel will be at least 2' below the top of the lowest bank. Any fill in the channel shall be non-erosive material, such as rip-rap or gravel.
 - (iv) All disturbed stream banks will be seeded or otherwise stabilized as soon as possible upon installation and again upon removal of construction.
 - (v) The access road and temporary crossings will be removed within one year after authorization.
- (e) The construction of light poles, sign posts and similar structures;
- (f) The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar surfaces which are built at grade;
 - (g) The construction of properly anchored, unwalled, open structures such as playground equipment, pavilions, and carports built at or below existing grade that would not obstruct the flow of flood waters;
 - (h) The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten (10) feet in any one dimension (e.g., animal shelters and tool sheds);
 - (i) The construction of additions to existing buildings which do not increase the first floor area by more than twenty (20) percent, which are located on the upstream or downstream side of the existing building, and which do not extend beyond the sides of the existing building that are parallel to the flow of flood waters;
 - (j) Minor maintenance dredging of a stream channel where:
 - (i) The affected length of stream is less than 1000 feet.
 - (ii) The work is confined to reestablishing flows in natural stream channels, or
 - (iii) The cross-sectional area of the dredged channel conforms to that of the natural channel upstream and downstream of the site.

- (iv) The flood carrying capacity within any altered or relocated watercourse shall be maintained.

(f) *Compensatory Storage.* Whenever any portion of a flood plain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation. The excavation volume shall be at least equal to the volume of storage lost due to the fill or structure. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. All flood plain storage lost below the existing 10-year flood elevation shall be placed below the proposed 10-year flood elevation. All flood plain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

(g) *No External Effects* Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within unnumbered A zones and Zone AE on the currently effective FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-tenth foot at any point within the community. In order to demonstrate compliance with this requirement, an applicant may presume future compliance with the laws, regulations and ordinances pertaining to flood management, including the *Joliet Special Flood Hazard Areas Development Ordinance*.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

Section 8-509. *Permitting Requirements Applicable to All Flood Plain Areas.*

In addition to the requirements found in Section 8-506, 8-507 and 8-508 for development in flood fringes, regulatory floodways, and SFHA or flood plains where no floodways have been identified (Zones A, AO, AH, AE, A1-A30, A99, VO, V1-30, VE, V, M or E), the following requirements shall be met.

a. **Public Health Standards**

b. No developments in the SFHA shall include locating or storage chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials below the FPE.

c. New and replacement water supply systems, wells, sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPE are watertight.

d. *Carrying Capacity and Notification.* For all projects involving channel modification, fill or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained. In addition, the City shall notify adjacent communities in writing 30 days prior to the issuance of a permit for the alternation or relocation of the watercourse.

e. *Protecting Buildings.* All buildings located within a 100-year flood plain also known as a SFHA, shall be protected from flood damage below the flood protection elevation. However, existing

buildings located within a regulatory floodway shall also meet the more restrictive Appropriate Use standards included in Section 8-507. This building protection criteria applies to the following situations:

- (i) Construction or placement of a new building.
- (ii) Substantial improvement to an existing building as defined in Section 8-502ww, including an increase to the first floor area by more than twenty percent. This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to April 1, 1990.
- (iii) Substantial damage to an existing building as defined in Section 8-502ww. This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to April 1, 1990.
- (iv) Installing a manufactured home on a new site or a manufactured home on an existing site. This building protection requirement does not apply to returning a mobile home to the same site it lawfully occupied before it was removed to avoid flood damage; and
- (v) Installing a travel trailer on a site for more than 180 days.

This building protection requirement may be met by one of the following methods.

f. A residential or non-residential building, when allowed, may be constructed on permanent land fill in accordance with the following:

- (i) The lowest floor, (including basement) shall be at or above the flood protection elevation.
- (ii) The fill shall be placed in layers no greater than one (1) foot deep before compaction and should extend at least ten (10) feet beyond the foundation of the building before sloping below the flood protection elevation. The top of the fill shall be above the flood protection elevation. However, the ten (10) foot minimum may be waived if a structural engineer certifies an alternative method to protect the building from damages due to hydrostatic pressures. The fill shall be protected against erosion and scour. The fill shall not adversely affect the flow or surface drainage from or onto neighboring properties.

g. A residential or non-residential building may be elevated in accordance with the following:

- (i) The building or improvements shall be elevated on crawl space, stilts, piles, walls, or other foundation that is permanently open to flood waters and not subject to damage by hydrostatic pressures of the base flood or 100-year frequency flood.

The permanent openings shall be no more than one foot above grade, and consists of a minimum of two openings. The openings must have a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the Base Flood Elevation.

- (ii) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamics forces such as current, waves, ice and floating debris.
- (iii) All areas below the flood protection elevation shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the flood protection elevation.
- (iv) No area below the flood protection elevation shall be used for storage of items or materials.
- (v) Manufactured homes, (including, but not limited to, travel trailers to be installed on a site for more than 180 days) and all manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the City's FIRM, situated on sites located:
 - (a) Outside of a manufactured home park or subdivision,
 - (b) In a new manufactured home park or subdivision,
 - (c) In an expansion to an existing manufactured home park or subdivision, or
 - (d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood,

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement. in accordance with the regulations promulgated under the *Illinois Mobile Home Tie-Down Act* and regulations set forth in 77 IL Adm. Code 870.

- (vi) All other manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on currently effective FIRM that are not subject to the provisions of paragraph (g)(v) of this section shall be elevated so that either:
 - (a) The lowest floor of the manufactured home is at or above the base

flood elevation, or

- (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

h. Only a non-residential building may be structurally floodproofed (in lieu of elevation) provided that a registered professional engineer shall certify that the building has been structurally dry floodproofed below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood or 100-year frequency flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamics forces, the effects of buoyancy, and impacts from debris or ice. Floodproofing measures shall be operable without human intervention and without an outside source of electricity (levees, berms, floodwalls and similar works are not considered flood proofing for the purpose of this subsection).

Tool sheds and detached garages on an existing single-family platted lot, may be constructed with the lowest floor below the flood protection elevation in accordance with the following:

- (i) The building is not used for human habitation.
- (ii) All areas below the base flood or 100-year frequency flood elevation shall be constructed with waterproof material. Structures located in a regulatory floodway shall be constructed and placed on a building site so as not to block the flow of flood waters and shall also meet the Appropriate Use criteria of Section 700.0. In addition, all other requirements of Section 700, 800 and 900 must be met.
- (iii) The structure shall be anchored to prevent flotation.
- (iv) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to the flood protection elevation.
- (v) The building shall be valued at less than \$5,000.00 and be less than 500 square feet in floor size.
- (vi) The building shall be used only for the storage of vehicles or tools and may not contain other rooms, workshops, greenhouses or similar uses.

j. All new construction and substantial improvements that have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square

inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

k. Non-conforming structures located in a regulatory floodway may remain in use, but may not be enlarged, replaced or structurally altered. A non-conforming structure damaged by flood, fire, wind or other natural or man-made disaster may be restored unless the damage exceeds fifty percent (50%) of its market value before it was damaged, in which case it shall conform to this Ordinance.

l. Within any AO zone on the currently effective FIRM, all new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet, or such higher amount specified on the currently effective FIRM.

m. Within any AO zone on the currently effective FIRM, all new construction and substantial improvements of nonresidential structures:

- (i) shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet, or such higher amount specified on the currently effective FIRM, or
- (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in 44 CFR 60.3(c)(3)(ii);

n. Within any A99 zones on the currently effective FIRM, the standards of 44 CFR 60(a)(1) through (a)(4)(i) and 44 CFR 60(b)(5) through (b)(9) shall apply and be required.

o. Within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures, shall be provided.

p. Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the currently effective FIRM must either:

- (i) Be on the site for fewer than 180 consecutive days;
- (ii) Be fully licensed and ready for highway use, or
- (iii) Meet the permit requirements of 44 CFR 60(b)(1) and the elevation and anchoring requirements for "manufactured homes" in 44 CFR 60(c)(6).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

Section 8-510. Other Development Requirements.

The Mayor and City Council shall take into account flood hazards, to the extent that they are known in all official actions related to land management, use and development.

a. New subdivisions, manufactured home parks, annexation agreements, and Planned Unit Developments (PUDs) within the SFHA shall be reviewed to assure that the proposed developments are consistent with Sections 8-506, 8-507, 8-508 and 8-509 of this Ordinance and the need to minimize flood damage. Plats or plans for new subdivisions, mobile home parks and Planned Unit Developments (PUDs) shall include a signed statement by a Registered Professional Engineer that the plat or plans account for changes in the drainage of surface waters in accordance with the *Plat Act* (765 ILCS 205/1 et seq.).

b. Proposals for new subdivisions, manufactured home parks, travel trailer parks, planned unit developments (PUDs) and additions to manufactured home parks and additions to subdivisions shall include base flood or 100-year frequency flood elevation data and floodway delineations. Where this information is not available from an existing study filed with the Illinois State Water Survey, the applicant's engineer shall be responsible for calculating the base flood or 100-year frequency flood elevation per Section 8-505d. and the floodway delineation per the definition in Section 8-502oo. and submitting it to the Illinois State Water Survey and DNR for review and approval as best available regulatory data.

c. Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible, the flood plains shall be included within parks or other public grounds.

d. The Mayor and City Council shall not approve any Planned Unit Development (PUD) or plat of subdivision located outside the corporate limits unless such agreement or plat is in accordance with the provisions of this Ordinance.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

Section 8-511. Variances.

No variances shall be granted to any development located in a regulatory floodway as defined in Section 8-502m. However, when a development proposal is located outside of a regulatory floodway, and whenever the standards of this Ordinance place undue hardship on a specific development proposal, the applicant may apply to the Mayor and City Council for a variance. The City Manager shall review the applicant's request for a variance and shall submit its recommendation to the Mayor and City Council.

a. No variance shall be granted unless the applicant demonstrates that:

- (i) The development activity cannot be located outside the SFHA;
- (ii) An exceptional hardship would result if the variance were not granted;
- (iii) The relief requested is the minimum necessary;
- (iv) There will be no additional threat to public health and safety;

- (v) There will be no additional public expense for flood protection, rescue or relief operations, policing or repairs to roads, utilities, or other public facilities;
- (vi) The provisions of Section 8-506d. and 8-508d. of this Ordinance shall still be met.
- (vii) The activity is not in a regulatory floodway;
- (viii) The applicant's circumstances are unique and do not represent a general problem, and
- (ix) The granting of the variance will not alter the essential character of the area involved including existing stream uses.

b. The City Manager shall notify an applicant in writing that a variance from the requirements of Section 8-509 that would lessen the degree of protection to a building will:

- (i) Result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage;
- (ii) Increase the risks to life and property; and
- (iii) Require that the applicant proceed with knowledge of these risks and that he will acknowledge in writing that he assumes the risk and liability.
- (iv) Variances requested in connection with restoration of a site or building listed on the National Register of Historical Places or documented as worthy of preservation by the Illinois Historic Preservation Agency may be granted using criteria more permissive than the requirements of Section 8-511a. and 8-511b.

Ordinance No. 10884, Section 2, adopted August 15, 1995, as amended and restated by Ordinance No. 14207, Section 1, adopted March 4, 2003.

Section 8-512. Disclaimer of Liability.

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

Section 8-513 *Enforcement and Penalties.*

Failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this Ordinance. Upon due investigation, the City Manager may determine that a violation of the minimum standards of this Ordinance exist. The City Manager shall notify the owner in writing of such violation.

a. If such owner fails after ten days notice to correct the violation:

- (i) The City may make application to the Circuit Court for an injunction requiring conformance with this Ordinance or make such other order as the Court deems necessary to secure compliance with the Ordinance.
- (ii) Any person who violates this Ordinance shall, upon conviction thereof, be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each day the offense continues.
- (iii) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- (iv) The City may record a notice of violation on the title to the property.

b. The City Manager shall inform the owner that any such violation is considered a willful act to increase flood damages and, therefore, may cause coverage by a Standard Flood Insurance Policy to be suspended.

c. Nothing herein shall prevent the City from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.