



Article 9

PLANNED USES

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**Section 9.010. Statement of intent**

The division of the City into zoning districts is based on the principle that similar conditions should prevail throughout a particular district. Some uses of land are appropriate neither as a “permitted use” nor a “special use” in certain districts and are, therefore, designated as planned uses or are otherwise subject to the “planned use” site plan approval process of this Article where such specified circumstances exist. It is the intent of this Article to authorize these “planned uses” only where the location and circumstances are appropriate to the use and a site plan is approved by the City Council. It is also the intent of this Article to increase the flexibility of development design through evaluation and approval of a site plan applying site-specific regulations. Approval of a planned use and corresponding site plan shall be considered a legislative act of rezoning. Any ordinance approving a site plan for a planned use shall be deemed to incorporate the provisions of this Chapter. The Term “Planned Use” shall mean the specified use, associated site plans, and corresponding “overlay district” regulations authorized pursuant to this Article.

**Section 9.020. Planned use — when required**

A. Change in Zoning and New Construction Requiring Planned Use Approval. A Planned Use approval shall be required for any proposed amendment or change in zoning, change of use from a residential to a non-residential use, or any construction of a new building for any non-accessory use within the MXD, MR, O-1, B-1, B-2 or “I” districts where any of the following exists:

1. The subject property is adjacent to or within 250 feet of any property used for residential, public assembly, including church/religious, or school purposes;
2. A new structure of 20,000 square feet or more is proposed;
3. Two or more buildings are proposed on one lot;
4. When traffic generation per a traffic study submitted by the applicant, if requested at the discretion of the City, shows any level of service of “D” or worse pursuant to the accepted national traffic standards; or
5. When required by Table of Uses in this Chapter or otherwise required elsewhere in this Chapter;

B. Change In Use requiring Planned Use Approval. A Planned Use approval shall further be required for any new, expanded or changed use that includes any one or more of the following specific uses:

- a. Convenience store or automotive service station
- b. Retail or wholesale fuel, dispensed or sold
- c. Uses offering liquor sales and/or consumption, on or off-premise
- d. Restaurants (other than restaurants with seating capacity less than 40)
- e. Drive in or drive through service (liquor sales shall be prohibited in connection therewith)
- f. Car washes, self and automated

- g. Hotels, motels, and overnight accommodations
- h. Dance halls, nightclubs, private clubs, or other use offering for its patrons dancing accommodations
- i. Cultural, recreation, or entertainment facilities, such as theaters, museums, meeting halls, golf courses,
- j. country clubs, driving ranges, mini-golf courses, arcades, billiard halls, bowling alleys, skating rinks
- k. Bed and breakfast
- l. Landfill or disposal site
- m. Gun and archery clubs or ranges
- n. Halfway houses and group homes
- o. Manufactured/mobile home subdivision and mobile home parks
- p. Mining or mineral excavation or extraction
- q. Mini-warehouses
- r. Correction or detention facility
- s. Dry cleaning service facility
- t. Salvage, scrap, or storage yard
- u. Auto repair and service garage
- v. Outdoor display (including car and equipment dealerships)
- w. Apartment buildings, three units or greater
- x. Public, private, or parochial schools or other uses offering courses of instruction in accordance with standards for compulsory education
- y. Child day care facilities required to be licensed by the State of Illinois
- z. Public assembly, including but not limited to schools, auditorium, schools and churches or other places of formal worship
- aa. Shopping centers
- bb. Pole barns or metal-sided buildings. New principal uses/structures of this type shall not be approved in any MR-2, O-1, B-1, or B-2 district; a development plan shall be required for any new pole barn/metal sided building proposed for any lawful industrial use.
- cc. Kennels having outdoor runs or containment areas
- dd. Veterinary Clinics (*Ord 3483; passed 10-16-06*)
- ee. Funeral or Mortuary Service Establishments, including accessory Crematories, provided that all accessory Crematories shall be permitted only by Planned Use, subject to the following requirements:

- 1) Crematories shall be permitted only as an accessory use to an existing Funeral or Mortuary services use subject to securing and maintaining all required IEPA permits, licenses and certifications and compliance with other applicable city requirements.
- 2) Crematories shall not emit any noticeable odor or particulates.
- 3) Crematories shall have emission stacks covered or shrouded with materials safe for such uses and that are compatible in design and architecture with the existing funeral home and the building housing the crematory. The crematory facility and emission stack shall be compatible with surrounding properties, including residential properties.
- 4) Decorative vinyl fencing or other site-proof fencing or landscaping approved by the City on a site plan and located between the crematory and adjacent residential properties shall be provided.

*(Ord 3643; passed 11-02-09)*

For purposes of this subsection, resumption of a previously-abandoned use shall be deemed a “new” use except where the resumed use seeks only to reoccupy an existing building for a restaurant, place of public assembly or child care facility and provided that no use or building expansion occurs and no intervening use occurred between the abandonment and resumption and the Director certifies that the new use meets the intent of this Code including but not limited to the intent of this subsection that no resumed use cause a greater impact or intensity than the prior use in light of the current circumstances.

C. Unlisted Uses. The Table of Uses contained in this Chapter and the specific uses or circumstances set forth in this Article for Planned Uses do not necessarily reflect all of the regulations that may apply to particular uses or districts. However, any use not listed herein nor shown in the Table of Uses as a special use, planned use, or a use permitted by right in the applicable zoning district or authorized as an accessory use, shall be prohibited unless the City Council, after review by the Planning Commission, determines that the proposed use is sufficiently similar to a use expressly authorized in the applicable district and is not otherwise prohibited or intended to be prohibited by this Chapter or other applicable regulations and such determination is approved by the City Council. Except as provided in this subsection, uses not listed and expressly authorized have been determined either not to be appropriate in any district, incompatible with certain existing uses, or sufficiently rare or unexpected as to be incapable of being listed at the time of adoption of this Chapter. Any use not delineated in this Chapter as a use permitted by right, a special use or a planned use in any zoning district, but which nevertheless constitutes a use that is required by law to be permitted within the City, shall be authorized only in the industrial district subject to the following conditions:

1. The use shall be permitted only to the extent required by law to be permitted;
2. The use shall be approved only as a planned use, except if by law it is required to be permitted by right;
3. The use shall be located no closer than 1,000 feet from any residence, residential property, park, school, or church, except as may be modified by the City Council through a Planned Use procedure;

4. The use shall maintain a distance of at least 1,000 feet from any other such use;
5. No use shall occupy a structure in excess of 5,000 square feet without an approved Alternate Parking plan designed for that use and supported by a traffic study submitted to and approved by the City Council.

**Section 9.030. Planned uses – General Procedure**

An applicant for a planned use shall submit an application satisfying the requirements for a change in zoning district regulations and satisfying the requirements of Section 9.040. The planned use application and preliminary site plan shall be subject to hearing, notice and review by the Planning Commission and approval by ordinance by the City Council as provided for in Article 8 for rezoning applications. A final site plan approval is required prior to commencement of the planned use or construction.

**Section 9.040. Application and submission requirements**

- A. Preliminary site plan. A preliminary and final site plan shall be required for any use or circumstance identified in Section 9.020. The preliminary site plan shall satisfy all requirements of Article 3 and shall be submitted with the zoning application.
- B. Exterior building sketches. The application shall include preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. Where several building types are proposed on the plan, such as apartments and commercial buildings, a separate sketch shall be prepared for each type. Such sketches shall include elevation drawings, but detailed drawings and perspectives are not required.
- C. Statement of need for modification from district regulations. A narrative statement that explains the need for modification of the applicable zoning district regulations, if requested, shall be submitted in support of the application for the preliminary site plan approval. The statement shall specifically address the precise modification requested, what compensating factors support the modification and how the criteria for approval herein are satisfied. Any site features or improvements intended to justify a modification in the underlying district regulations shall be clearly identified on the Site Plan.

**Section 9.050. Consideration of a planned use**

- A. Procedure. Except as established by this Section, the procedures and requirements for filing, review and approval of a planned use and a preliminary site plan shall be as specified in Article 8 for approval or review of amendments to a zoning district classification or boundary, and additionally all such other requirements as provided in Article 3 for application and review of preliminary site plans.
- B. Criteria for approval. The Planning Director and City Council shall use the applicable zoning district regulations and this Article as criteria for review of the proposed Planned Use and preliminary site plan. The City Council may permit modification from the underlying district regulations, but except as so expressly modified, the underlying district regulations shall continue to apply to any approved Planned Use. Use regulations, however, shall not be modified so as to allow uses not otherwise permitted by this Chapter in the underlying zoning

district governing the property, or underlying regulations of the applicant's proposed rezoning. If the City Council imposes conditions or restrictions on a preliminary site plan, it may designate specific requirements that must be met before an applicant may submit a final site plan application.

In considering any planned development and preliminary site plan application, the Planning Commission and the City Council shall give consideration to the additional criteria stated below, to the extent they are pertinent to the particular application:

1. The criteria governing the rezoning of the property and approval of site plans, as set forth in the standards and requirements found elsewhere in the zoning code or in other applicable law,
2. The physical design of the proposed plan and the manner in which said design makes adequate provisions for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space and park dedication, and furthers the amenities of light, air, recreation and visual enjoyment.
3. The relationship and compatibility of the proposed plan to adjacent properties and the surrounding neighborhood.
4. The conformity with the standards and principles of the Comprehensive Plan and all other adopted regulations, including the Commercial Design Handbook dated July 6, 2009 and on file with the City Clerk. (*Ord 3665; passed 5-3-10*)
5. The use(s) are designed, located and proposed to be operated so that the public health, safety and welfare will be protected.
6. An identified community need exists for the proposed use.
7. The proposed use(s) will not impede the normal and orderly development and improvement of the surrounding property, nor impair the use, enjoyment, or value of neighboring properties.
8. The degree of harmony between the architectural quality of the proposed building and the surrounding neighborhood.
9. The appropriateness of the minimum dimensions and areas of lots and yards set forth in the applicable zoning district regulations.

C. Planned Use Approval; conditions. A Planned Use shall be approved only by ordinance pursuant to the procedures for rezoning set forth in Article 8, setting for the specific the requirements of the approval. The approving ordinance shall approve a preliminary site plan, subject to any changes or conditions required by the City Council and may specifically set forth the specific uses, authorized density and/or building coverages, design requirements, public improvements, and other conditions or requirements of the approved preliminary development plan. Consistent with the purposes of this Article, the City may approve a preliminary development plan subject to conditions as may be necessary to address any impacts of the development on the public, achieve the purposes of this Article or as necessary to warrant a requested modification of the underlying zoning district regulations. Such conditions may include, but are not limited to, the following:

1. The type and extent of improvements and landscaping;

2. The methods or types of development practices, improvements, and common ground required;
3. Maximum bulk of dwelling unit in relationship to lot size or dimension;
4. Dedication of land, improvements, or payment of fees for public open space, civic space, road improvements, schools, or for other infrastructure or public facilities impacted by the development;
5. Required provisions for funding of maintenance agreements or trust indentures, including requiring the establishment of an agency for the ownership and maintenance of any common open space, financial guaranty, and/or limitation on the sale or use of any common open space;
6. Architectural materials, or design guidelines as described in the Commercial Design Handbook dated July 6, 2009 and on file with the City Clerk; (*Ord 3665; passed 5-3-10*)
7. Regulation of permissible uses, mix of uses, hours of operation, or other use restrictions;
8. Regulation of the duration of approvals, uses, site characteristics, or nonconformities.

D. Change of underlying zoning. A Planned Use application may be submitted with an application to change the zoning district category. Any site plan approved for a Planned Use, concurrent with such application, shall become part of the ordinance that amends the zoning district category of the property.

E. Modification of Zoning Map. Any approved Planned use and preliminary site plan shall be reflected on the Zoning Map as an amendment of the District by designation of “-P” after the district abbreviation of the district in which the plan was approved.

F. Duration of validity. The approval may specify the duration of a planned use’s validity, but in no event shall an approved preliminary site plan be valid for a period longer than twelve (12) months from the date of such approval. The City Council may grant no more than one (1) extension not exceeding twelve (12) months each upon written request. The approval of a revised preliminary site plan shall not automatically extend the time period during which the planned use is valid.

### **Section 9.060. Final site plans — approval, modification, expiration.**

- A. Approval required. Approval of a final site plan is required any time a preliminary site plan is required. No building permit shall be issued for any structure on the property until a final site plan is approved. Approval of a final site plan shall be made by the Director in writing to the applicant upon submission and acceptance of all required materials and information from the applicant.
- B. Article 3 applicable. All requirements for final site plans set forth in Article 3, including changes and modifications, shall apply to a final site plan for a planned use.

- C. Final Site Plan expiration. Final Site Plan approval shall, unless a shorter time is specified, be valid for a period of twelve (12) months from the date of such approval, unless within such period a building permit is obtained and substantial construction is commenced and all additional building permits necessary to complete the project as approved in the Final Site Plan schedule are obtained in a timely fashion, as determined by the Building Official.

**Section 9.070. Planned Use - Automotive service station or convenience store**

An Automotive Service Station or Convenience Store shall require a Final Site Plan and shall be subject to the following conditions and restrictions:

- A. Fuel tanks. All tanks shall be below the surface of the ground, except propane tanks, which shall be subject to approval by the Fire Department.
- B. Fuel pumps. Fuel pumps shall be set back twenty (20) from the right-of-way line and two hundred (200) feet from a residential dwelling. The design, location, covering, colors, and screening of the gas pumps shall be compatible with the design of the structures.
- C. Vehicle rentals and leasing. Leasing or renting of vehicles or trailers shall not occur unless specifically approved as part of the development plan.
- D. Traffic. The development shall be located with at least one direct access to an arterial street, or on a collector street with at least one access drive within 500 feet of an arterial street. A traffic study shall be required for all automotive service stations or convenience stores. The person preparing the report must be a certified engineer qualified to do traffic analyses in Illinois. The cost of the study shall be borne by the applicant. The traffic study shall address potential external and internal traffic circulation concerns, and the development plan shall not be approved unless all traffic concerns are adequately addressed to promote safety and reasonable traffic flow.
- E. Residential screening. If the applicant intends to remain open for business past 10:00 p.m., the City may require a buffer if vehicle headlights from any vehicles entering, parking, standing, or exiting would shine onto residentially zoned property. If the site cannot be screened from residentially zoned property such that vehicle headlights will not shine onto residentially zoned property, or if the development would otherwise create a nuisance for neighboring properties, the hours of operation may be restricted to preclude operation between the hours of 10:00 p.m. and 6:00 a.m., or any portion thereof as determined by the Commission and/or Governing Body.
- F. Use authorization. Applicant shall indicate whether the business will sell alcoholic beverages, maintain video games for use by customers, sell prepared food for consumption on the premises or off the premises, provide car washing services, perform mechanical repairs on motor vehicles, provide an automatic teller machine or sell grocery type items. The development plan shall specify whether or not the business shall be authorized to perform any or all of these functions. In evaluating the development plan application, the impact of any of the foregoing uses on the surrounding area may be considered.
- G. Screening– All rooftop or ground-level mechanical equipment, trash and refuse collection areas, loading areas, and outdoor public restrooms shall be screened from public view with materials and with such design as shall be approved by the City.
- H. Outside Sales– The outside sale of merchandise shall be prohibited.



## Article 9

## PLANNED USES

- I. Additional Standards. The development shall also be subject to such other applicable standards and requirements as may be found elsewhere in the zoning code or other applicable law.